



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

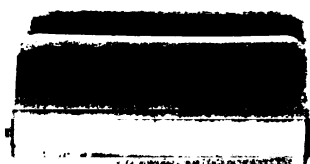
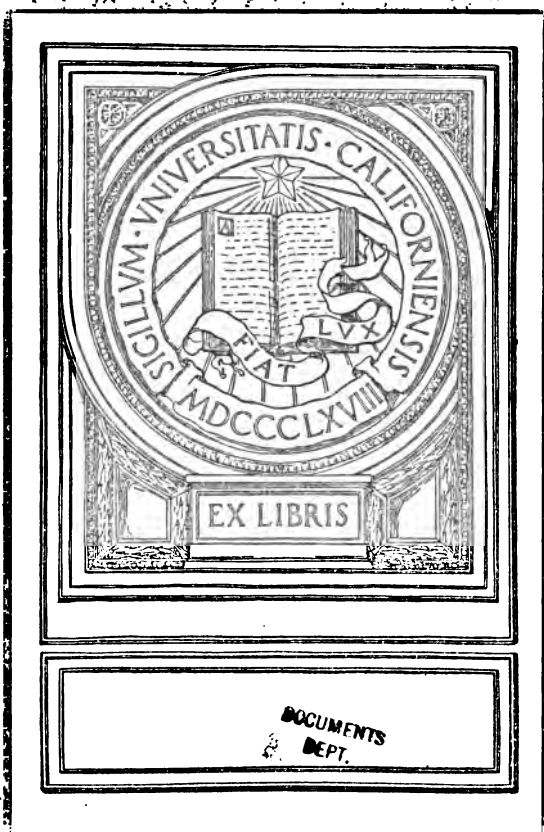
### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>





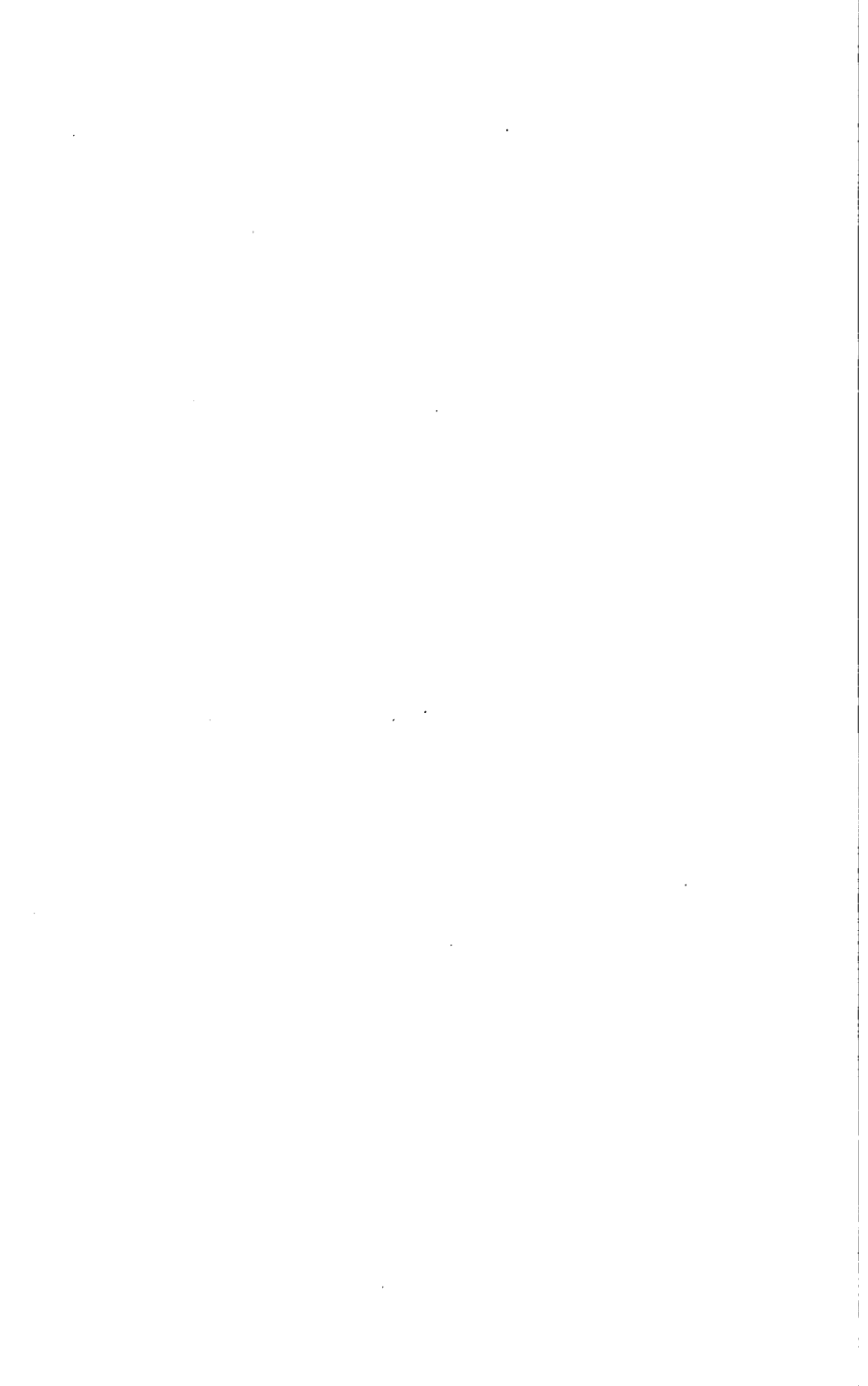




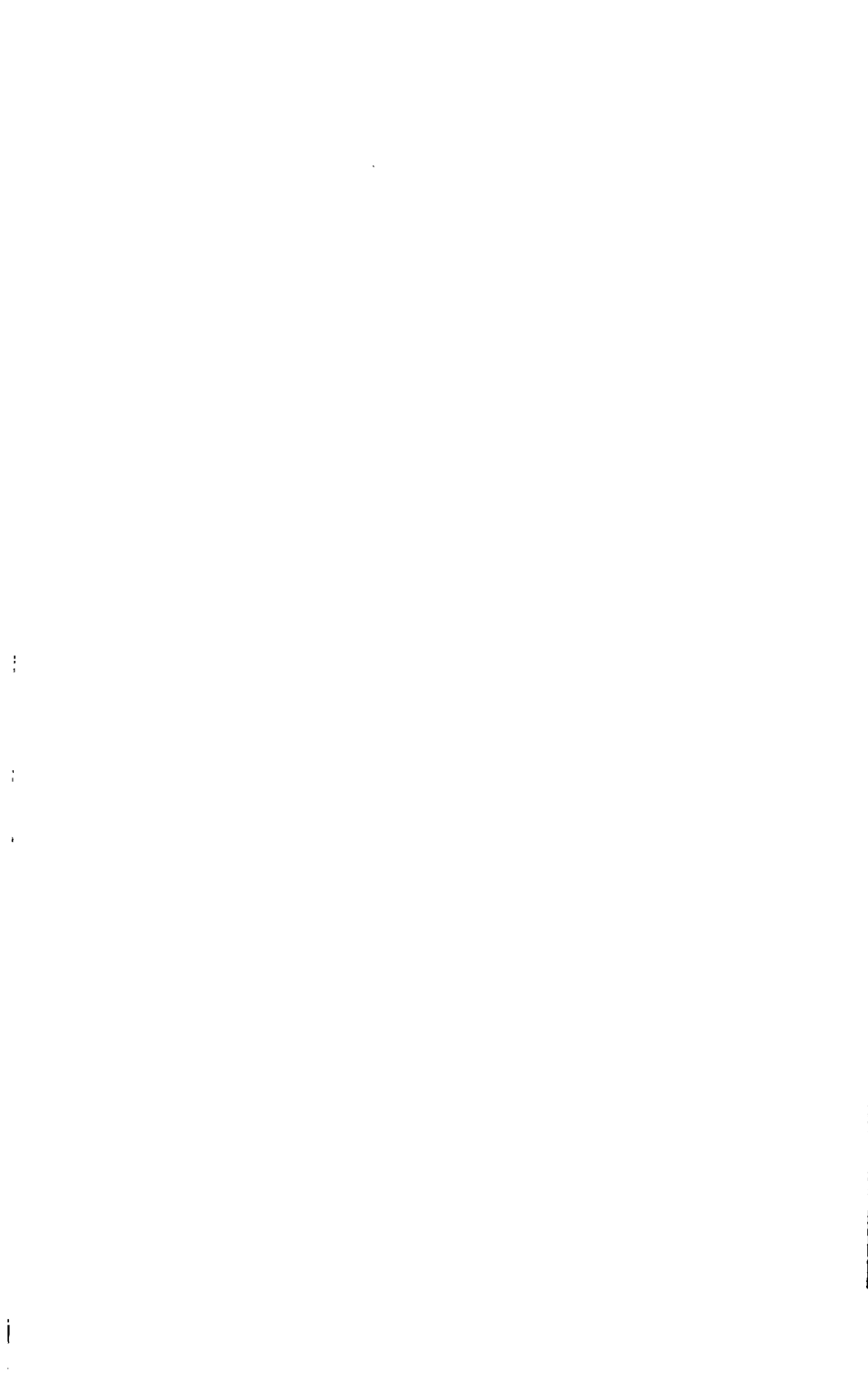




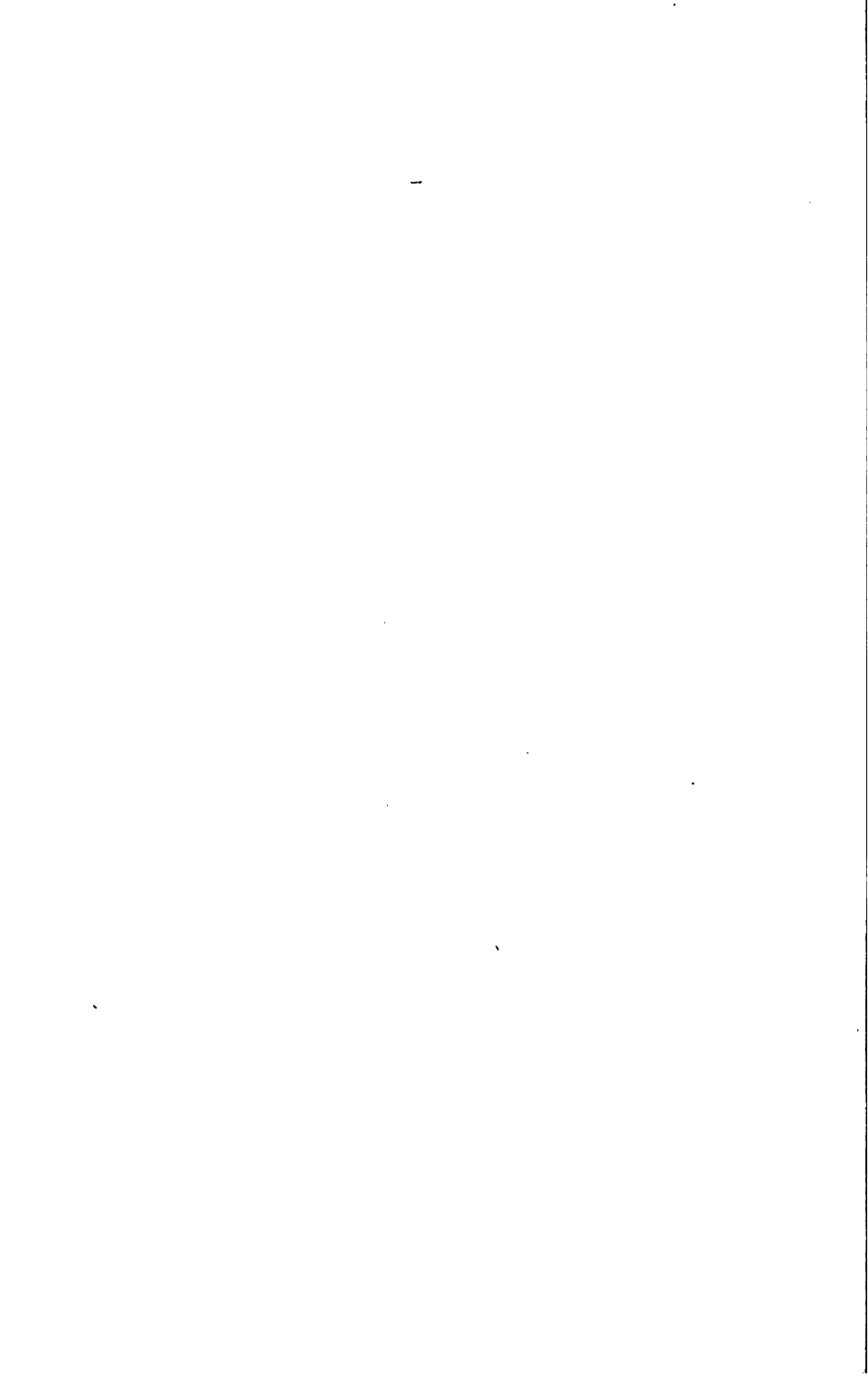














**JOURNAL**  
**OF**  
**THE CONVENTION**

**OF THE**  
**STATE OF NORTH-CAROLINA,**

**AT ITS**

**SESSION OF 1865.**

**OF THE**  
**CALIFORNIA**

---

**RALEIGH:**  
**CANNON & HOLDEN, PRINTERS TO THE CONVENTION,**  
**1865.**



JK4125-

1865-

A25

DOCUMENTS  
DEPT.

TO VIEW  
AIRPORT LIAISON



# JOURNAL

OF THE

# CONVENTION.

---

## NORTH-CAROLINA STATE CONVENTION.

At a Convention of Delegates elected by the people of the several counties of the State of North-Carolina, in pursuance of a proclamation issued by His Excellency, WILLIAM W. HOLDEN, Provisional Governor of the State, begun and held in the City of Raleigh, on the second day of October, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States, the ninetieth; the following proceedings were had :

At 12 o'clock, M., the delegates met in the Commons Hall, in the State capital, when

On motion of Mr. Tod R. Caldwell, Mr. Lewis Thompson was called to the chair.

On motion, Mr. Tod R. Caldwell was requested to act as Secretary.

Mr. Moore, of Wake, moved that a committee of three be appointed by the chair to examine and report on Credentials.

The motion prevailed and Messrs. Caldwell, of Burke, Winston and Cowper were appointed to constitute the committee.

The counties were then called in order, and the committee reported the following delegates entitled to seats :



ALAMANCE—Giles Mebane, John W. McCauley.

ANSON—Wm. G. Smith, L. L. Polk.

ASHE and ALLEGHANY—Mr. Baker.

ALEXANDER—E. M. Stephenson.

BLADEN—Duncan Kelly.

• BURKE—Tod R. Caldwell.

BERTIE—Lewis Thompson, John Pool.

BRUNSWICK—Daniel L. Russell, Sr.

BUNCOMBE—L. L. Stewart.

BEAUFORT—R. S. Donnell, E. J. Warren.

CURRITUCK—

CAMDEN—Dennis D. Ferebee.

CHOWAN—R. H. Winburne.

CLEAVELAND—D. Beam.

CATAWBA—J. R. Ellis.

CUMBERLAND and HARNETT—Neill McKay, R. P. Buxton,  
D. G. McRae.

CHATHAM—G. P. Moore, Robt. Love, John A. McDonald.

CARTERET—James Rumley.

CRAVEN—C. C. Clark, M. E. Manly.

CABAREUS—Dr. L. S. Bingham.

COLUMBUS—A. J. Jones.

CALDWELL—

CASWELL—Bedford Brown, M. McGehee.

CHEROKEE—

DUPLIN—D. B. Nicholson, W. A. Allen.

DAVIDSON—Henderson Adams, S. S. Jones.

DAVIE—D. M. Furches.

EDGECOMBE and WILSON—John Norfleet.

FRANKLIN—P. H. Winston.

FORSYTHE—D. H. Starbuck, I. G. Lash.

GATES—Henry Willey.

GASTON—Dr. William Sloan.

GREENE—R. J. Williams.

GRANVILLE—R. B. Gilliam, Eugene Grissom, E. B. Lyon.

GUILFORD—D. F. Caldwell, Jonathan Harris.

HAYWOOD—W. G. B. Garrett.



HERTFORD—Richard G. Cowper.  
HALIFAX—Edward Conigland, W. W. Brickell.  
HENDERSON and TRANSYLVANIA—A. H. Jones.  
HYDE—Jones Spencer.  
IREDELL—John H. McLaughlin, S. B. Bell.  
JACKSON—J. R. Love.  
JOHNSTON—William A. Smith, Simon Godwin.  
JONES—F. G. Simmons.  
LINCOLN—W. P. Bynum.  
LENOIR—R. W. King.  
MACON—R. M. Henry.  
MADISON—G. W. Gahagan.  
McDOWELL—Alney Burgin.  
MARTIN—Jesse R. Stubbs.  
MECKLENBURG—Thomas N. Alexander, Alexander McIver.  
MONTGOMERY—J. S. Spencer.  
MOORE—A. R. McDonald.  
NASH—A. B. Baines.  
NEW HANOVER—Wm. A. Wright, Dr. H. F. Murphy.  
NORTHAMPTON—John B. Odom, William Barrow.  
ORANGE—John Berry, S. F. Phillips.  
ONslow—Isaac N. Sanders.  
PERQUIMONS—Thomas Wilson.  
PASQUOTANK—G. W. Brooks.  
PERSON—Edwin G. Reade.  
PITT—Churchill Perkins.  
RICHMOND—Alfred Dockery.  
ROCKINGHAM—Thomas Settle.  
ROWAN—Nathaniel Boyden, I. W. Jones.  
RANDOLPH—S. S. Jackson, Zebedee Rush.  
RUTHERFORD and POLK—G. W. Logan, C. L. Harris.  
ROBESON—Neal A. McLean, Nathaniel McLean.  
SAMPSON—A. A. McCoy, Thomas I. Faison.  
STANLEY—James M. McCorkle.  
STOKES—A. H. Joyce.  
SURREY—Samuel Faulkner.  
TYRREL—Charles McCleese.



UNION—Samuel H. Walkup.

WARREN—William Eaton, Jr., P. H. Joyner.

WAKE—B. F. Moore, H. A. Hodge.

WAYNE—W. T. Faircloth.

WASHINGTON—J. C. Johnston.

WATAUGA—Geo. W. Bradley.

WILKES—P. Smith, J. Q. A. Bryant.

YADKIN—Thomas Haynes.

YANCEY and MITCHELL—G. Garland.

On motion, the report was received and concurred in, and the committee discharged.

Mr. Moore, of Wake, offered a resolution that John R. Harrison, Esq., a Justice of the Peace for Wake County, be requested to administer to the members the oath to support the Constitution of the United States. The resolution was adopted, and the oath was administered accordingly.

Mr. Caldwell of Burke, moved that the Convention now proceed to organize, by electing a President and other officers.

Mr. Boyden nominated for President Hon. Edwin G. Reade, of Person.

No other nomination being made, on motion of Mr. Settle, Mr. Reade was declared unanimously elected.

The President *pro tem.* appointed Mr. Dockery and Mr. Boyden to conduct Mr. Reade to the chair.

On taking his seat Mr. Reade addressed the Convention as follows :

*Gentlemen of the Convention :*

As the Representatives of the people of North-Carolina, we are assembled at a time of great perplexity to reorganize the Government which has been disturbed by a protracted and disastrous war.

It is gratifying to know that a virtuous and intelligent people have chosen a body of men distinguished for abilities ;



of much experience, and of exalted patriotism, fully equal to the grave matters which are entrusted to them.

As the interests of our constituents are the same, it is to be hoped that there will be little conflict of opinion among us; and that frank speech and courteous manners will distinguish our intercourse, so that he who has been called to preside over our deliberations will find but little inconvenience from his lack of experience, and will be enabled to use the position with which he has been honored, as he earnestly desires to do, for its legitimate objects only.

Fellow-citizens, *we are going home*. Let painful reflections upon our late separation, and pleasant memories of our early union, quicken our footsteps towards the old mansion, that we may grasp hard again the hand of friendship which stands at the door, and, sheltered by the old homestead which was built upon a rock and has weathered the storm, enjoy together the long, bright future which awaits us.

With the guidance of Infinite Wisdom and the care of a merciful Providence, which I earnestly invoke for the Convention, and for each individual member, I invite you to the calm consideration and wise solution of the important questions which are to result in the peace, prosperity and happiness of ourselves and of posterity, and of the strength and grandeur of our nation.

The Convention then proceeded to the election of Principal Secretary.

Mr. Moore of Wake, nominated James H. Moore, and there being no other nomination, Mr. Moore was, on motion, declared unanimously elected.

The Convention next proceeded to the election of an Assistant Secretary.

Mr. Caldwell, of Burke, nominated Mr. Rich'd. C. Badger, and there being no other nomination, he was, on motion declared unanimously elected.



## FOR PRINCIPAL DOORKEEPER.

Mr. Moore, of Wake, nominated Mr. Mark M. Williams.  
Mr. Starbuck nominated Mr. H. B. Kingsbury.

Mr. Grissom nominated Patrick McGowan.

The President appointed Messrs. Settle and Winston a committee to superintend the election, who reported that there were 101 votes cast, necessary to a choice 51 ; that Mr. Kingsbury had received 74 votes ; Mr. McGowan 14, and Mr. Williams 13. Mr. Kingsbury having received a majority of the votes cast, was declared elected, and the report was received and concurred in.

## FOR ASSISTANT DOORKEEPER.

Mr. Moore, of Wake, nominated Mr. P. P. Williams.

Mr. McCleese nominated Mr. John H. Hill. The same committee superintended the election and reported ; whole number of votes, 102, necessary to a choice, 52 ; that Mr. Hill had received 87, and Mr. Williams 15 ; and that Mr. Hill having received a majority, was elected, and the report was received and concurred in.

## FOR ENROLLING CLERK.

Mr. Moore, of Wake, nominated Mr. Theo. H. Hill.

Mr. Wright nominated Mr. Thos. S. Keenan.

Mr. Caldwell, of Burke, nominated Mr. J. W. Bowman.

The committee reported that the whole number of votes cast was 95 ; that Mr. Hill had received 55 ; Mr. Bowman 21 ; and Mr. Keenan 19. Mr. Hill having received a majority was declared elected, and the report was received and concurred in.

## FOR PRINTER TO THE CONVENTION.

Mr. Moore, of Wake, nominated Messrs. Cannon & Holden, of the North-Carolina Standard, and there being no



other nomination, they were, on motion, declared unanimously elected.

Mr. Mebane offered the following resolution :

*Resolved*, That a committee consisting of seven members be appointed by the President to draw up rules for the government of the Convention.

Mr. Manly moved to amend the resolution by adding that the rules of the last Convention be adopted until the committee shall report permanent rules.

Mr. Norfleet moved to amend the amendment by striking out "last convention," and inserting "convention of 1835," and it was agreed to.

The amendment as amended was then rejected and the original resolution adopted.

The President appointed on the committee, Messrs. Mebane, Thompson, Boyden, Phillips, Gilliam, Winston and Manly.

Mr. Caldwell of Burke, moved that a committee of three be appointed to wait on the Governor and inform him that the Convention is organized and ready to receive any communication he may be pleased to make.

The motion prevailed, and the President appointed Messrs. Caldwell, Pool and Eaton, to constitute the committee.

Mr. Winston offered the following, which, on his motion, lies over until to-morrow :

*Resolved*, That a committee of nine be appointed, whose duty it shall be to report the subject matters proper for the action of this Convention, and the number of committees necessary for the proper disposition of the same.

Mr. McGehee offered the following :

*Resolved*, That the President of the Convention extend an invitation to the Clergy of the City of Raleigh to officiate in succession as Chaplains to the Convention.

Mr. Mebane moved to refer the resolution to the committee on Rules, and it was not agreed to.

The resolution was then adopted.



Mr. Smith of Johnston, moved that the Convention do now adjourn to 12 o'clock to-morrow.

Mr. Wilson moved to say 10 o'clock instead of 12. The amendment was adopted and the Convention adjourned to the hour named.

---

TUESDAY, OCTOBER 3d, 1865.

The Convention met pursuant to adjournment, and the session was opened with prayer by Rev. Charles F. Deems, D. D., of the M. E. Church.

The following delegates presented certificates, were qualified and took their seats in the Convention :

R. Swan, of Cleaveland.

Thos. J. Jarvis, of Currituck.

Rufus L. Patterson, of Caldwell.

Robert H. Ward, of Rockingham.

J. T. Kennedy, of Wayne.

G. W. Dickey, of Cherokee.

John A. McDonald, of Chatham.

W. S. Hanrahan, of Pitt.

George Howard, of Edgecombe.

Mr. Mebane, from the special committee to report Rules for the government of the Convention, reported a series of rules which were read, and,

On motion of Mr. Caldwell, of Guilford, the report was received and adopted.

Mr. Mebane moved that 150 copies of the Rules be printed for the use of the Convention, and the motion prevailed.

Mr. Caldwell, of Burke, from the committee to wait on the Governor, reported that they had attended to the duty, and that His Excellency would send a communication to the Convention to-day at 12 o'clock.

Mr. Clark, of Craven, introduced the following resolution, which lies over one day under the Rules :

*Resolved*, That the President of the Convention be em-



powered to admit reporters, not exceeding five in number, and to assign them at his discretion suitable places in the Hall.

Mr. Winston called up the resolution offered by him yesterday, for a committee to prepare business for the Convention, and the resolution was adopted.

The President announced the following gentlemen to constitute the committee: Messrs. B. F. Moore, P. H. Winston, Wm. Eaton, Jr., S. F. Phillips, M. E. Manly, W. P. Bynum, W. A. Wright, Alfred Dockery and Dennis D. Ferree.

Mr. King offered the following resolution, which lies over under the Rule:

*Resolved*, That the President of the Convention be authorized to procure a National flag to be raised over the Capital during the deliberations of the Convention.

At the hour of twelve the President announced a communication from His Excellency, Governor Holden, which was read, as follows:

EXECUTIVE DEPARTMENT N. C.,  
Raleigh, Oct. 3rd, 1865.

*Gentlemen of the Convention:*

I do not deem it my duty, under the circumstances, to address you a formal and elaborate message in relation to public affairs. Your duties are too plain to require suggestions from me, and I entertain no doubt those duties will be promptly and faithfully performed.

North-Carolina attempted in May, 1861, to separate herself from the Federal Union. This attempt involved her, with other slaveholding States, in a protracted and disastrous war, the result of which was a vast expenditure of blood and treasure on her part, and the practical abolition of domestic slavery. She entered the rebellion a slaveholding State, and she emerged from it a non-slaveholding State. In other respects, so far as her existence as a State and her rights as a State are concerned, she has undergone no change. The President of the United States wisely determined that her



existence as a State should not be extinguished, but that under that clause of the Federal Constitution which "guarantees to every State *in the Union* a republican form of government," her people, in Convention assembled, might so alter and amend their constitution, and adopt such measures as would restore the State to her constitutional relations to the Federal Government, and thus secure, once more to the people thereof, the immeasurable benefits and blessings of the Union. Allow me to congratulate you, gentlemen, upon the favorable circumstances which surround you, while engaged in the great work of restoring the State to her former and national position. It is my firm belief that the policy of the President in this respect, which is as broad, as liberal and as just as the constitution itself, will be approved by the great body of the people of the United States; and that the period is not distant, if we are true to ourselves, and properly regardful of the reasonable expectations of our friends in other States, when our Senators and Representatives will resume their seats in Congress, and when our State will enjoy, in common with the other States, the protection of just laws under the constitution of our fathers. In the touching language of your most worthy presiding officer: "We are going home. Let painful reflections upon our late separation, and pleasant memories of our early union, quicken our footsteps towards the old mansion, that we may grasp hard again the hand of friendship which stands at the door; and, sheltered by the old homestead, which was built upon a rock, and has weathered the storm, enjoy, together the long bright future which awaits us."

I take it for granted, gentlemen, that you will insert in the constitution a provision forever abolishing slavery or involuntary servitude in North-Carolina; and that you will submit the constitution, when altered and amended, to the people of State at the ballot-box for ratification or rejection. I do not doubt that the constitution, thus altered and amended, will be ratified by an immense majority of the people.



I send herewith the report of Jonathan Worth, Esq., Public Treasurer, setting forth the State debt, the condition of the sinking fund, and embracing also a general view of the State finances, both at home and abroad. Also, reports from the Banks and Railroad Companies, showing their condition, and reports from the Superintendent of the Insane Asylum, and the Principal of the Asylum for the Deaf and Dumb and the Blind, containing statements of the condition of these institutions. I also send herewith a report from the Public Treasurer in relation to State property, to which, with the other reports referred to, I invite your careful attention.

It will afford me pleasure, gentlemen, to furnish you with any information in my possession which you may desire; and I beg you to be assured that I will be ready at all times to co-operate with you in such measures as may be deemed essential to promote harmony among our people, and to restore the State, at the earliest practicable period, to its constitutional relations to the Federal Government.

I have the honor to be, with much respect,

Your obedient servant,

W. W. HOLDEN,

*Provisional Governor.*

Mr. Caldwell, of Guilford, moved that the reading of the documents accompanying the message be dispensed with, and that 600 copies of each be printed for the use of the Convention, and the motion prevailed.

Mr. McGehee moved to re-consider the vote dispensing with the reading of the documents accompanying the Governor's message, and that the report of the Provisional Treasurer be read before the Convention. The motion prevailed and the report of the Treasurer was read.

The following resolutions were introduced, which lie over one day, under the rules:

By Mr. Logan,

*Resolved*, That until otherwise ordered, the Convention



shall hold daily sessions, (Sundays excepted,) meeting at 10 o'clock, A. M., and adjourning at least at 3 o'clock, P. M.

By Mr. Conigland,

*Resolved*, That the Governor be requested to communicate to this Convention information as to the specie value, at the time when issued, of the bonds and Treasury notes issued by the State, in aid of the late rebellion against the government of the United States.

Then, on motion of Mr. Settle, the Convention adjourned to 11 o'clock, to-morrow morning.

---

WEDNESDAY, OCTOBER 4TH, 1865.

The Convention met, pursuant to adjournment.

Prayer by Rev. D. B. Nicholson, one of the members from Duplin.

The Journal of yesterday was read and approved.

Resolutions introduced yesterday, were taken up, read and disposed of as follows :

Resolution in regard to reporters.

Mr. Settle moved to strike out the words "not exceeding five," but withdrew it at the request of

Mr. Donnell, who offered a substitute as follows :

*Resolved*, That stenographers, wishing to take down debates, shall be admitted at the discretion of the President, who shall assign them such places on the floor, or elsewhere, to effect their object as shall not interfere with the convenience of the Convention.

The substitute was agreed to and the resolution adopted.

The resolution of Mr. King, in regard to a National flag, was read and adopted.

Mr. Logan's resolution, specifying hours of meeting and adjournment, was read.

Mr. Donnell moved to lay the resolution on the table, and the motion prevailed.

The resolution of Mr. Conigland, asking information of the



Governor in regard to the specie value of State bonds, being read,

Mr. Grissom moved to lay the resolution on the table, and the motion prevailed.

#### RESOLUTIONS INTRODUCED.

By Mr. Jackson,

*Resolved*, That the Governor be requested to communicate to this Convention, whether he has received any information from the President of the United States relative to the State's assuming the debt contracted during the rebellion for the prosecution of the war, before she can be admitted again into the Union ; or whether he has received any information from the President, in his official capacity, on the subject of the State war debt.

#### REPORTS OF COMMITTEES.

Mr. Moore, from the special committee of nine, appointed on yesterday, under the resolution of Mr. Winston, reported as follows :

The committee appointed to report the subject matters for the action of the Convention, and the number of the committees necessary for the proper disposition of the same, have had the same under consideration and respectfully report :

It appears to your committee that the business proper for the Convention will be most conveniently brought before the Convention under the heads of the following resolutions, which are reported simply as a plan of operations, and not as indicating an opinion on the merits of any of the resolutions :

1. *Resolved, by the delegates in Convention assembled*, That a committee be appointed, consisting of two members from each judicial district, to inquire into the propriety of limiting the number of Justices of the Peace for each County, and the most efficient mode of doing the same ; and if they shall be of opinion that the number ought to be limited to report an ordinance to that effect.



2. *Resolved further*, That a committee be appointed to revise the Constitution of the State by collecting together and arranging under articles, sections and clauses, all such parts as belong to the same subject matter, with such changes in the language as are made necessary by the amendments adopted at various times, omitting all such parts as are obsolete or in conflict with the Constitution of the United States, presenting the Constitution as one instrument without essential change in substance.

3. *Resolved further*, That a committee of eleven be appointed to report the proper action of the Convention in reference to the secession ordinance of 20th May, 1861.

4. *Resolved further*, That a committee of eleven be appointed to report the proper action of the Convention in reference to the abolition of slavery.

5. *Resolved further*, That a committee of two from each present congressional district be appointed, whose duty it shall be to lay off the State into seven Congressional districts.

6. *Resolved further*, That a committee of eleven be appointed, whose duty it shall be to report what acts of the Convention, the Legislature, and the Courts, since 20th May, 1861, shall be declared in force by this Convention.

7. *Resolved further*, That a committee of eleven be appointed, whose duty it shall be to enquire and report what steps, if any, shall be taken by this Convention in procuring a general amnesty for having participated in the late war.

8. *Resolved further*, That a committee of two from each Congressional District, as now constituted, be appointed, to whom shall be referred amendments to the Constitution not otherwise referred."

Mr. Phillips moved that the rule be suspended in order that the report may be now considered, and it was agreed to.

He then moved that the report be received and concurred in, and the motion prevailed.



## ORDINANCES INTRODUCED AND PASSED FIRST READING.

By Mr. Moore, of Wake,

An ordinance providing for the election of the members of the General Assembly to be convened on the 3rd Monday in November, 1865, and of Representatives in Congress.

By Mr. Jones, of Rowan,

"An Ordinance to repeal the Ordinance of Secession."

By the same,

"An Ordinance to order at an early day the election of municipal officers throughout the State."

By Mr. Manly,

"An Ordinance in relation to the authentication of ordinances and other acts of the Convention."

By Mr. Love,

A series of resolutions to amend the Constitution.

Mr. Boyden moved to suspend the rules in order that the ordinance introduced by Mr. Moore, of Wake, may now be put on its second and third readings.

The motion to suspend was not agreed to.

The President announced the following committees under the resolutions reported by the committee of 9 this morning.

*On the Ordinance of Secession*:—Messrs. Boyden, Warren, Brooks, Logan, Brown, Patterson, Rumley, Starbuck, Nicholson, Grissom and Berry.

[This committee asked and obtained leave to sit during the session of the Convention.]

*On Abolition of Slavery*:—Messrs. Settle, Henry, Conigland, Howard, Norfleet, Burgin, Jackson, Donnell, Russell, Stewart and Faircloth.

[This committee also asked and obtained leave to sit during the session of the Convention.]

*On Revision of the Constitution*:—Messrs. Moore of Wake, Eato, Thompson, Caldwell of Burke, and McCorkle.

*On General Amnesty*:—Messrs. Gilliam, Clark, Cowper, Henrahan, Lash, Love of Jackson, Jarvis, Jones of Columbus, Furches, Caldwell of Guilford, and Gahagan.



Mr. Lloyd, from the committee on the Ordinance of Se-  
cession, reported "an ordinance declaring null and void the  
ordinance of May 20th, 1861," and recommended its passage.

Mr. Smith, of Johnston, moved to suspend the rules and  
put the ordinance on its several readings.

On this motion, Mr. Mebane demanded the yeas and nays.

Mr. Smith, of Johnston, then withdrew his motion.

Then, on motion of Mr. Caldwell, of Burke, the Convention  
adjourned to 11 o'clock to-morrow morning.

---

### THURSDAY, OCTOBER 5TH, 1865.

The Convention met pursuant to adjournment. Prayer by  
Rev. B. Craven, D. D., of the M. E. Church.

The journal of yesterday was read and adopted.

The credentials of Mr. Samuel H. Walkup, delegate elect  
from Union county, were presented by Mr. Bingham, and  
Mr. Walkup was qualified and took his seat.

Mr. Settle, from the committee on the abolition of slavery,  
reported an ordinance, entitled an "ordinance for prohibit-  
ing slavery in North-Carolina," and recommended its passage.

The ordinance was read, and passed the first reading.

#### RESOLUTIONS AND ORDINANCES INTRODUCED.

By Mr. Allen,

*Resolved*, That the committee on constitutional amend-  
ments be instructed to inquire into the expediency and prop-  
riety of so amending the Constitution of the State as to re-  
quire a property qualification in real estate, of a fixed and  
certain valuation, instead of a certain number of acres of land,  
for members of the General Assembly, and also that the com-  
mittee inquire into the propriety of fixing a certain age as a  
qualification for members of the General Assembly; and also  
to inquire whether it be not proper to require the voter in  
any election to reside in the county in which he offers to vote,  
a specified period of time prior to the election.

By Mr. Furches, •



A preamble and resolutions relating to legislation upon private debts and contracts during the war.

By Mr. Ellis,

Resolution of thanks to Andrew Johnston, President of the United States.

Mr. King moved that the rule be dispensed with and the resolution be now put upon its passage, and it was not agreed to.

By Mr. Joyce,

*Resolved*, That a committee of five be appointed by the President to inquire into the value of all property belonging to the State, and also into the propriety of applying the same to the payment of the taxes due from the people of this State to the Federal Government.

By Mr. Garland,

An ordinance to provide for the election of justices of the peace.

By Mr. Moore, of Wake,

An ordinance declaring what laws and ordinances are in force, and for other purposes.

The President announced a communication from His Excellency, the Governor, transmitting a memorial from the colored convention, recently held in this city, to the State Convention.

The memorial was read, when

Mr. Thompson moved that the same be referred to a special committee, and it was agreed to.

The President announced the following gentlemen to constitute the committee: Messrs. Pool, Stubbs, McGehee, Buxton and McIver.

The President announced the following committees under the resolutions reported by the special committee of 9 on yesterday:

*On amendments to the Constitution not otherwise referred:* Messrs. Donnell, Manly, Stubbs, Pool, Wright, Dockery, Winston, Gilliam, Brown, Mebane, Ward, Adams, Bynum, Caldwell of Burke, Henry and Logan.



*On Magistrates* :—Messrs. McIver, Walkup, McCleese, Willey, Allen, Spencer of Hyde, Baynes, Hodge, Lyon, McDonald of Chatham, Polk, McRae, Bradley, Ellis, Garland and Dickey.

*On Acts of the Convention, the Legislature and the Courts since 1861* :—Messrs. Phillips, McGehee, Wright, Norfleet, Buxton, Bynum, Boyden, Brooks, Harris of Rutherford, Conigland and Baker.

*On redistricting the State* :—Messrs. Sloan, Jones of Rowan, Jones of Henderson, Smith of Wilkes, Joyce, McLanghlin, McDonald of Moore, McCauley, Smith of Johnston, Joyner, N. A. McLean, McKay of Harnett, Perkins, Saunders, Odom and Wilson.

#### UNFINISHED BUSINESS.

The Ordinance declaring null and void the ordinance of May 20th, 1861, was read the second time.

Mr. Ferebee offered a substitute, which was read.

He moved to strike out the original ordinance and insert his substitute.

Mr. Caldwell, of Burke, asked for a division,

And the question being on that part of the motion to strike out, considerable discussion arose.

At the hour of 3 20 p. m.,

On motion of Mr. Brown, the Convention adjourned to 10 o'clock, to-morrow morning.

#### FRIDAY, OCTOBER 6TH, 1865.

The Convention met pursuant to adjournment. Prayer by Rev. J. M. Atkinson, of the Presbyterian Church.

The journal of yesterday was read and adopted.

Mr. Moore, of Wake, from the special committee to report business for the Convention, made a further report, as follows :

The committee appointed to prepare business for the Convention beg leave to make a further report in contin u



of the duties assigned them. Again, they would remind the Convention that, upon the subjects mentioned, the committee desire it should be understood they express no opinion as to the action of the Convention.

1. *Resolved*, That a committee be appointed to enquire and report whether any, and if any, what amendments are proper to be made to the Constitution limiting the power of the General Assembly to increase the indebtedness of the State.

2. *Resolved*, That a committee of seven be appointed, who shall report what part, if any, of the action of this Convention shall be submitted to the people for ratification or rejection, and the time and manner of doing the same.

3. *Resolved*, That a committee of eleven be appointed to whom the matters embraced in the report of the Treasurer shall be referred, whose duty it shall be to report what action, if any, in relation thereto, ought to be taken by the Convention.

Mr. Moore moved that these resolutions, together with those reported by the committee on Tuesday, be printed, and the motion prevailed.

Mr. Winston moved to suspend the rules, that the report may be now considered and it was agreed to, and on his motion the report was received and concurred in.

The following resolutions and ordinances were introduced, read, and disposed of as indicated :

By Mr. Brown,

WHEREAS, A diversity of opinion has existed among the citizens of the United States, as to the rightful powers of a State to secede from the Federal Union ; and whereas, said question was, under the ordinances of the several States which passed them, submitted among other questions to the arbitrament of arms in the late contest between the two sections and decided adversely to said claim of power ; therefore,

*Be it resolved by the delegates of the people of North Carolina, in Convention assembled*, That we recognize this decision as a final and conclusive settlement of the question,



that a State had no rightful power to secede from the Federal Union.

Lies over under the rule.

By Mr. Bynum,

An ordinance to amend the Constitution, which passed the first reading and placed upon the Calendar.

By Mr. Henry,

An ordinance to declare the basis of representation and for other purposes.

Passed the first reading, and placed upon the calendar.

By Mr. Jones, of Rowan,

An ordinance to apply to the President for General Amnesty.

Passed the first reading, and referred to the committee on General Amnesty.

By Mr. Dickey,

An ordinance to forbid the assumption of the State war debt.

Passed the first reading, and placed on the calendar.

#### UNFINISHED BUSINESS.

The ordinance repealing the ordinance of the 20th May, 1861, was taken up, being under consideration upon its second reading.

After some time spent therein,

The question was put on striking out.

Mr. Smith, of Johnston, asked the yeas and nays, and the same being ordered, resulted yeas 19, nays 94.

Those who voted in the affirmative are :

Messrs. Alexander, Allen, Brown, Conigland, Eaton, Faison, Ferebee, Henrahan, Howard, Jarvis, Joyner, Kennedy, Manly, McCoy of Sampson, McIvor, Mebane, Murphy, Ward, Winburne, Wright—19.

Those who voted in the negative are :

Messrs. Adams, Baines, Baker, Barrow, Beam, Bell, Berry, Bingham, Boyden, Bradley, Brickell, Brooks, Bryan, Burgin,



Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Clark, Cowper, Dickey, Dockery, Donnell, Ellis, Faircloth, Faulkner, Furches, Gahagan, Garland, Garrett, Gilliam, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Jones of Columbus, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Kelly, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCorkle, McKoy of Sampson, McDonald of Chatham, McDonald of Moore, McGehee, McKay of Harnett, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Nicholson, Norfleet, Odom, Patterson, Perkins, Philips, Polk, Pool, Reade, Rumley, Russell, Rush, Saunders, Settle, Simmons, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Stubbs, Swan, Thompson, Walkup, Warren, Willey, Winston—94.

The Convention having refused to strike out,

Mr. Moore, of Wake, offered to amend by inserting, after the word "States" in the 7th line, the words, "and also all acts and parts of acts of the General Assembly, ratifying and adopting amendments to the said Constitution, are," and in the 8th line to insert "have" for "hath," and the amendments were adopted.

The question recurring on the passage of the ordinance on its second reading,

Mr. Stewart asked for the yeas and nays, which being ordered, resulted, yeas 105, nays 9.

Those who voted in the affirmative are,

Messrs. Adams, Alexander, Baines, Baker, Barrow, Beam, Bell, Berry, Bingham, Boyden, Bradley, Brickell, Brown, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Clark, Conigland, Cowper, Dickey, Dockery, Donnell, Eaton, Ellis, Faircloth, Faulkner, Furches, Gahagan, Garland, Garrett, Gilliam, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henrahan, Henry, Hodge, Jackson, Jarvis, Jones of Columbus, Jones of



Davidson, Jones of Henderson, Jones of Rowan, Joyce, Kelly, Kennedy, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCorkle, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, McKay, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, Nicholson, Norfleet, Odom, Patterson, Perkins, Phillips, Polk, Pool, Reade, Ramley, Russell, Rush, Saunders, Settle, Simmons, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Stubbs, Swan, Thompson, Walkup, Warren, Willey, Winburne, Winston, Wright—105.

Those who voted in the negative were,

Messrs. Allen, Faison, Ferebee, Howard, Joyner, Manly, McKoy, Murphy, Ward—9.

Mr. Manly moved to suspend the rule and put the ordinance on its final passage, and the motion prevailed.

The ordinance was then read the third time, passed the third reading and was ordered to be enrolled.

The President announced the following committees under resolutions reported by the special committee of 9 this morning :

*On submitting Ordinances of the Convention of the people :* Messrs. Moore of Wake, Donnell, Manly, Boyden, Stewart, Jones of Columbus, and Patterson.

*On limiting the Legislature in regard to indebtedness of the State :—*Messrs. Eaton, Settle, Henry, Buxton and Howard.

*On the Treasurer's Report :—*Messrs. Wright, Lash, McRae, Dockery, Brickell, Barrow, Winburne, Caldwell of Guilford, Alexander, Burgin and Garrett.

*Also, Committee on Enrollments :—*Messrs. Caldwell of Burke, and Olark.

Mr. McRae moved that the ordinance heretofore introduced, in regard to the election of justices of the peace, be taken up and referred to the committee on Justices, and it was agreed to.



Mr. Manly moved to suspend the rule and take up the ordinance in relation to the authentication of ordinances and other acts of the Convention, and put the same on its several readings, and it was agreed to.

The ordinance passed the second and third readings, and was ordered to be enrolled.

Then on motion of Mr. Sloan, at 4 h., 25 m. p. m., the Convention adjourned to 10 o'clock to-morrow morning.

---

SATURDAY, OCTOBER 7TH, 1865.

The Convention met pursuant to adjournment. Prayer by Rev. Thomas E. Skinner of the Baptist Church.

The journal of yesterday was read and adopted.

The President called the attention of the Convention to a Map of the State, presented to the Convention by Messrs. Branson & Farrar of the city of Raleigh.

Messrs. McCleese, Johnston and Wilson, who were absent yesterday on account of illness, asked and obtained leave to record their votes on the question of striking out the ordinance to repeal the ordinance of May 20th, 1861, and on the passage of the ordinance on its second reading. Each voted "nay," on the question to strike out, and "aye," on the passage of the ordinance.

The following ordinances and resolutions were introduced :

By Mr. Nicholson,

*Resolved*, That a special committee of five be appointed whose duty it shall be to inquire into the expediency of re-organizing the Militia of the State, and to report an ordinance for that purpose, if it deem a necessity for such organization exists, or is likely to exist in a short time.

Lies over under the rule.

By Mr. N. A. McLean,

An ordinance for the abolishing of slavery, passed the first reading and placed upon the Calendar.

By Mr. Starbuck,



An ordinance to protect the freedmen from the evils of intemperance.

By Mr. Faulkner,

An ordinance to provide for homesteads.

By Mr. Love, of Jackson,

A resolution of thanks to Messrs. Branson & Farrar for map of the State.

Passed, under suspension of the rule.

By Mr. Jones, of Henderson,

*Resolved*, That the committee to inquire into the propriety of limiting the number of Justices of the Peace for each county, and the most efficient mode of doing the same, be requested to inquire into the propriety of electing the Magistrates in each Captain's beat in each county in the State, and so many in each city and town as said cities and towns may require, and that said Magistrates be paid certain fees for their services, to be regulated by the State Legislature.

Referred to the committee on Justices of the Peace.

By Mr. Settle,

An ordinance recognizing the just debts of North-Carolina, and prohibiting the payment of all public debts created or incurred in aid of the late rebellion.

By Mr. McKoy, of Sampson,

**WHEREAS**, it appears from the vote of this Convention upon the ordinance passed for the purpose of declaring null and void the ordinance of secession of the Convention of 1861, that there is a want of unanimity among the members of this Convention as to the desire to return North-Carolina to her allegiance to the Federal Government; therefore,

*Be it resolved*, That the delegates of this Convention, as reflecting the sentiments of the people of the State, unanimously desire the early restoration of North-Carolina to her federal relations with the other States composing the government of the United States under the Constitutional Union,

On motion of Mr. Conigland, the resolution asking of the Governor information in regard to the specie value of bonds



of the State at the time of issue, was taken up for consideration.

Mr. Donnell moved that the resolution be laid upon the table, and the motion prevailed.

#### UNFINISHED BUSINESS.

The ordinance providing for the election, at an early day, of municipal officers, was read the second time.

Mr. Jones, of Rowan, moved to amend by striking out all after the word "therefore," and inserting a provision requiring the Provisional Governor to order an election on the third Monday in November, for Mayor and Commissioners of the towns and cities of the State.

Mr. Phillips moved to lay the whole matter on the table, and the motion was agreed to.

An ordinance to repeal the ordinance of secession, was read second time, and

On motion of Mr. Jones, of Rowan, was laid upon the table.

Resolutions to amend the Constitution—read and referred to the committee on Constitutional Amendments.

Mr. Caldwell, of Burke, from the committee on enrollment, reported as correctly enrolled,

"An Ordinance declaring null and void the ordinance of 20th May, 1861," and,

"An Ordinance in relation to the authentication of ordinances and other acts of the Convention."

And the same were ratified in open Convention.

The Ordinance prohibiting slavery in the State of North-Carolina, was read the second time.

Mr. Odom proposed to amend by striking out all after the ordaining clauses, inserting the following:

"That the institution of slavery having been destroyed in the State of North-Carolina, hereafter neither slavery nor involuntary servitude shall ever exist in this State, except as a punishment for crime, whereof the party shall have been duly convicted."



Mr. Smith, of Johnston, moved to amend the amendment by adding, after the word "North-Carolina," in the third line, the words, "by the secessionists," but afterward withdrew the amendment.

The question recurring on Mr. Odom's amendment, it was not agreed to.

Mr. Faison moved to amend by striking out the word "forever," from the 6th line, but afterward withdrew it.

The question again recurring on the passage of the ordinance on its second reading,

Mr. Stewart asked for the yeas and nays, and the same being ordered, resulted, yeas 109, nays none.

Those who voted in the affirmative, are,

Messrs. Adams, Alexander, Baines, Baker, Barrow, Beam, Bell, Berry, Bingham, Boyden, Bradley, Brickell, Brown, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Clark, Conigland, Dickey, Dockery, Donnell, Eaton, Ell's, Faircloth, Faison, Faulkner, Furches, Garland, Garrett, Gilliam, Godwin, Grissom, Harris of Guilford, Harr's of Rutherford, Haynes, Henrahan, Henry, Hodge, Jackson, Jarvis, Johnston, Jones of Columbus, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyner, Kelly, Kennedy, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, Manly, McCauley, McCleese, McCorkle, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, McKay, of Harnett, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, Murphy, Nicholson, Norfleet, Odom, Patterson, Perkins, Phillips, Polk, Pool, Reade, Rumley, Russell, Rush, Saunders, Settle, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Stubbs, Swan, Thompson, Walkup, Ward, Warren, Willey, Williams, Winburne, Winston and Wright—109.

Mr. Settle moved that the rule be suspended, and the ordinance be now placed on its final reading, and the motion prevailed.



The ordinance was then read third time, passed third reading, and ordered to be enrolled.

Mr. R. J. Williams, delegate elect from the county of Greene, presented his credentials, was qualified, and took his seat.

Mr. Williams asked and obtained leave to record his vote in the negative on the motion to strike out the ordinance declaring null and void the ordinance of secession, and "yea" on the passage of the same on its second reading.

The ordinance (No. 10) providing for the election of members of a General Assembly to be convened on the third Monday of November, 1865, and of Representatives in Congress, and Governor of the State, was read the second time.

Mr. Moore moved to amend as follows:

In 6th line, sec. 5, before "have," insert "either."

In 10th line, strike out the word "who."

In 16th line, after "proclamations," insert "unless pardoned."

7th sec., 2d line, insert "seven" before "Representatives."

Also, to add five sections to the original ordinance, and the amendments were adopted.

Mr. Meany, of Barnett, to amend so as to make the election for members of the General Assembly to take place on the second instead of the first Thursday of November, and the amendment was adopted.

Mr. Henry moved to amend by striking out of 7th line, 1st section "1866" and inserting "1868," and it was not agreed to.

Mr. Bynum,

To amend by adding a section abolishing property qualification for members of the Senate and House of Commons, and it was not adopted.

On this amendment Mr. Stewart asked the yeas and nays, and the Convention refused to order the same.

Mr. Buxton,

To amend by omitting in section 5, all after "State," and adding "the laws thereof in force immediately before the



20th of May, 1861, except that the payment of a poll tax shall not be required," and it was not agreed to.

Mr. Logan,

To amend 3rd section, so that the Special Courts or any three of them may appoint judges of election in the several counties, and it was not agreed to.

By Mr. Love, of Jackson,

An additional section, providing for the election of a Lieutenant Governor ; not adopted.

By Mr. Furches,

An additional section to provide for the election of sheriffs and clerks of courts ; not adopted.

By Mr. Stewart,

An additional section for the election of judges ; not agreed to.

The ordinance as amended, then passed the second reading.

Mr. Moore, of Wake,

Moved to suspend the rule and put the ordinance on its final passage, and the motion prevailed.

The ordinance was read the third time, passed the third reading and was ordered to be enrolled.

On motion of Mr. Phillips, the ordinance declaring what laws and ordinances are in force, was referred to the committee on that subject.

Mr. Gahagan asked and obtained leave to record his vote in the affirmative on the ordinance abolishing slavery.

Mr. Ferebee asked and obtained the same privilege.

The resolutions (No. 19,) of instruction to the committee on constitutional amendments, was taken up and referred to that committee.

(No. 20.) A Resolution to appoint a committee of inquiry in regard to State property, was read and adopted.

(No. 21.) Resolution of thanks to President Johnson and Governor Holden was read, and, on motion, referred to a select committee.



The President appointed Messrs. Ellis, Warren, Spencer of Montgomery, Kennedy and Nat. McLean to constitute said committee.

(No. 22.) Preamble and Resolutions relating to legislation upon private debts contracted during the war, was referred to a select committee.

Mr. Settle moved that a select committee of eleven be appointed, to which matters of finance shall be referred, and that the ordinance introduced by him this morning be referred to said committee, and the motion prevailed.

Then, on motion, at 2 o'clock and 40 minutes p. m., the Convention adjourned to 10 o'clock Monday morning.

---

#### MONDAY, OCTOBER 9TH, 1865.

The Convention met pursuant to adjournment. Prayer by Rev. Henry Hardie, of the Presbyterian Church.

The Journal of Saturday was read and adopted.

The President announced the following committee on Public and Private Debts, in pursuance of the motion of Mr. Settle, adopted on Saturday: Messrs. Settle, Jackson, Winston, Rumley, Russell, Allen, Logan, Dickey, Patterson, McDonald of Chatham, and Ferebee.

Messrs. Howard, Cowper and Wilson asked and obtained leave to record their votes in the affirmative on the passage of the ordinance abolishing slavery in North-Carolina, and Mr. Wilson in the affirmative on the ordinance repealing the ordinance of May 20th, 1861.

#### REPORTS OF COMMITTEES.

Mr. Gilliam, from the committee on general amnesty, reported back resolution (No. 27,) with a substitute, and recommended its passage.

Mr. Sloan, from committee on re-districting the State, reported an ordinance (No. 37,) for that purpose, which passed the first reading.



Mr. Phillips, from the committee declaring what laws and ordinances are in force, reported back the ordinance with amendments, and asked that it be re-committed to have the amendments properly inserted in the ordinance, and that the same be printed, and it was so disposed of.

Mr. Settle asked and obtained leave for the committee on public and private debts to sit during the sessions of the Convention.

#### RESOLUTIONS AND ORDINANCES.

By Mr. Phillips,

(No. 38.) *Resolved*, That a committee be appointed to inquire and report to this Convention whether any part of the public records heretofore deposited in this Capitol, are now missing; and if so, whether any and what action upon the part of this Convention is necessary for their restoration to proper places of deposit. Lies over.

By Mr. Caldwell, of Burke,

(No. 39.) *Resolved*, That the President of this Convention be authorized and requested to cause the ordinance entitled "an ordinance declaring null and void the ordinance of May 20th 1861," to be enrolled on parchment, and that after being so enrolled, the delegates to this Convention, who may choose to do so, shall have the privilege of signing their names thereto, with the name of the counties which they respectively represent. Lies over.

By Mr. Joyner,

(No. 40.) A preamble and resolutions relating to legislation upon private debts contracted previous to the outbreak of the late war and during its continuance. Lies over.

By Mr. McDonald, of Chatham,

(No. 41.) *Resolved*, That the committee on constitutional amendments be instructed to inquire into the expediency of framing an ordinance amending the Constitution of the State, so as to give to the people, in addition to the officers heretofore elected by them, the election of Judges of the Supreme



and Superior Courts of Law and Equity, Attorney General, Solicitors for the several judicial circuits, County Solicitors, Clerks and Masters in Equity, Coroners, Justices of the Peace, and all other State and County officers heretofore elected otherwise than by the people. Lies over.

By Mr. McIver,

(No. 42.) Resolution to raise a committee of inquiry and to report upon the propriety of authorizing the Legislature to establish a Penitentiary and for other purposes.

By Mr. Howard,

(No. 43.) *Resolved*, That the committee to consider the acts of Convention, &c., since May 20th, 1861, be instructed to inquire into the propriety of affirming the charter of the Piedmont Railroad Company, and to report whether, in their opinion, the State has any interest in the same.

By Mr. Bynum,

(No. 44.) A Resolution ordering the Printer to the Convention to print 120 copies of the State Constitution for the use of the Convention.

On his motion the rule was suspended and the resolution adopted.

By Mr. Donnell,

(No. 45.) An Ordinance to provide for the payment of the State debt contracted before the war, which passed and was referred to the committee on Public and Private debts.

By Mr. Smith, of Johnston,

(No. 46.) An Ordinance to amend section six of the Constitution of the State, and article first, section third, and first clause of amended Constitution.

By Mr. Baker,

(No. 47.) An Ordinance in relation to public roads, passed the first reading and placed on the calendar.

By Mr. McRae,

(No. 48.) An Ordinance providing for the election of two members to the House of Commons from the county of Cumberland, and one from the county of Harnett. Passed first reading and placed upon the calendar.



By Mr. Moore, of Wake,

(No. 49.) An Ordinance qualifying voters in the election for officers of the State and Representatives in Congress.

By Mr. Thompson,

(No. 50.) An Ordinance in relation to the late officers of the State. Passed first reading and placed on the calendar.

By Mr. Love, of Jackson,

(No. 51.) An Ordinance to reorganize the Supreme Court. Passed first reading and placed on calendar.

Mr. Caldwell, of Burke, moved that the committee to consolidate the Constitution be allowed to employ a clerk, and the motion was agreed to.

Mr. Love, of Jackson moved to reconsider the vote by which the ordinance providing for the election of members of the General Assembly, members of Congress and Governor, passed the third reading on Saturday.

On this question, Mr. Love asked for the yeas and nays, which being ordered, resulted yeas 93, nays 20.

Those who voted in the affirmative are,

Messrs. Adams, Alexander, Allen, Baines, Baker, Barrow, Beam, Bradley, Brown, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Dickey, Dockery, Donnell, Ellis, Faircloth, Faison, Faulkner, Ferebee, Furches, Gahagan, Garland, Garrett, Gilliam, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Howard, Jackson, Jarvis, Johnston, Jones of Columbus, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, Kelly, Kennedy, King, Logan, Love of Chat-ham, Love of Jackson, Manly, McCauley, McCorkle, McKoy of Sampson, McDonald of Chatham, McDonald of Moore, McGehee, McIver, McKay of Harnett, N. A. McLean, Nat. McLean, McRae, Moore of Chatham, Murphy, Nicholson, Norfleet, Phillips, Polk, Pool, Reade, Rumley, Rush, Settle, Simmons, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Star-buck, Stephenson, Stewart, Stubbs, Swan, Thompson, Walkup, Ward, Warren, Williams, Wilson and Winston—93.



Those who voted in the negative are,  
Messrs. Bell, Berry, Boyden, Brickell, Clark, Conigland,  
Cowper, Godwin, Henrahan, Lash, McCleese, McLaughlin,  
Moore of Wake, Odom, Perkins, Russell, Saunders, Willey,  
Winburne and Wright—20.

## UNFINISHED BUSINESS.

(No. 23) The ordinance declaring that the result of the war has settled the question of secession, was read second time.

Mr. Boyden moved to lay it on the table, and the motion prevailed.

(No. 24.) An ordinance to forbid the assumption of the war debt.

Mr. Caldwell, of Guilford, moved to lay the same on the table, and the motion prevailed.

(No. 25.) An ordinance to declare the basis of representation, and for other purposes, was read, and

Mr. Bynum moved to refer to a select committee of five, and it was so referred.

(No. 26.) An ordinance to amend the 2d section 1st article of amendments to the Constitution—read and referred to the last named committee.

The President announced a message from his Excellency, the Governor, transmitting a communication from Dr. R. J. Powell, State Agent at Washington, which was read before the Convention.

Mr. Brooks moved to take up (No. 10) an ordinance to provide for the election of members of the General Assembly, &c., and it was agreed to.

The ordinance was, on motion of Mr. Phillips, read by sections, and amendments offered thereto as follows:

By Mr. Grissom,

At end of 1st section, strike out "1866," and insert "1867;"

Mr. Howard asked a division of the question, and on



striking out demanded the yeas and nays, which were ordered, and resulted yeas 29, nays 84.

Those who voted in the affirmative, are,

Messrs. Barrow, Brown, Brooks, Caldwell of Burke, Donnell, Faircloth, Gilliam, Grissom, Harris of Rutherford, Henry, Hodge, Johnston, Jones of Columbus, Kelly, King, McCorkle, McGehee, Moore of Chatham, Pool, Reade, Settle, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Stewart, Swan, Thompson, Warren, Williams—29.

Those who voted in the negative, are,

Messrs. Adams, Alexander, Allen, Baines, Baker, Beam, Bell, Berry, Bingham, Boyden, Bradley, Brickell, Bryan, Burgin, Buxton, Bynum, Clark, Conigland, Cowper, Dickey, Dockery, Eaton, Ellis, Faison, Faulkner, Ferebee, Furches, Gahagan, Garland, Garrett, Godwin, Harris of Guilford, Haynes, Henrhan, Howard, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, Kennedy, Lash, Logan, Love of Chatham, Love of Jackson, Manly, McCauley, McCleese, McKoy of Sampson, McDonald of Chatham, McDonald of Moore, McIver, McKay of Harnett, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Murphy, Nicholson, Norfleet, Odom, Perkins, Phillips, Polk, Russell, Rush, Saunders, Simmons, Sloan, Smith of Anson, Spencer of Montgomery, Starbuck, Stephenson, Stubbs, Walkup, Ward, Willey, Wilson, Winburne, Winston—84.

By Mr. Logan,

6th line of 1st section strike out all after the word "next" and insert "regular election which may take place after the year 1866."

Mr. Phillips moved to amend the amendment, by inserting the words "after 1865, in the fifth line, to the end of the first section," stand as a part of the ordinance; and it was adopted.

The adoption of this amendment was a virtual rejection of the amendment of Mr. Logan.



By Mr. Love,

To amend, by striking out of the 4th line, 1st section of the printed bill, the word "third" and insert "fourth;" and the amendment was adopted.

Mr. Caldwell, of Burke, moved to strike out of section 2 the word "directed," and insert "authorized and requested;" and the amendment was adopted.

Mr. Love, of Jackson,

To amend 5th section by adding "and provided also, that the payment of a public tax shall not be required as a qualification of the voter in the elections in November next." Adopted.

Mr. Grissom moved to amend 15th section, by striking out, at the end "1867" and inserting "1868."

On this question Mr. Clark asked the yeas and nays, which being ordered, resulted yeas 33, nays 79.

Those who voted in the affirmative, are,

Messrs. Barrow, Brown, Brooks, Bryan, Caldwell of Burke, Donnell, Ellis, Faircloth, Garland, Garrett, Gilliam, Godwin, Grissom, Harris of Rutherford, Henry, Jones of Columbus, Kelly, King, Logan, Love of Chatham, McCorkle, McDonald of Chatham, Moore of Chatham, Reade, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Thompson, Warren, Williams—33.

Those who voted in the negative, are,

Messrs. Adams, Alexander, Allen, Baines, Baker, Beam, Bell, Berry, Bingham, Boyden, Brickell, Burgin, Buxton, Bynum, Caldwell of Guilford, Clark, Conigland, Cowper, Dickey, Dockery, Eaton, Faison, Faulkner, Ferebee, Furches, Gahagan, Harris of Guilford, Haynes, Henrahan, Howard, Jackson, Jarvis, Johnston, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, Kennedy, Lash, Love of Jackson, Manly, McCauley, McCleese, McKoy of Sampson, McDonald of Moore, McIver, McKay of Harnett, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Wake, Murphy, Nicholson, Norfleet, Odom, Perkins, Phillips, Polk, Rumley, Russell, Rush, Saunders, Simmons, Smith of Anson,



Spencer of Hyde, Starbuck, Stephenson, Stewart Stubbs, Swan, Walkup, Ward, Willey, Wilson, Winburne, Winston, Wright—79.

So the amendment was not agreed to.

Mr. Furches offered to amend by adding a section providing for the election, at the same time, of Sheriffs and Clerks of Courts for the several counties, and the amendment was not agreed to.

The ordinance, as amended, then passed the third reading, and was ordered to be enrolled.

On motion of Mr. Sloan, the Convention adjourned to 10 o'clock to-morrow morning.

---

## TUESDAY, OCTOBER 10TH, 1865.

The Convention met pursuant to adjournment. Prayer by Rev. B. Craven, D. D., of the M. E. Church.

The Journal of yesterday was read and adopted.

### REPORTS OF COMMITTEES.

Mr. McIver, from the committee on Magistrates, reported (No. 52) an ordinance limiting the number of Justices of the Peace, and for other purposes, which passed the first reading.

Mr. Garland, from the same committee, made a minority report, recommending (No. 53) an ordinance in regard to Justices of the Peace, which passed the first reading.

Mr. Winston, from the committee on Public and Private Debts, made a report, recommending that no action be taken on the subject of the debts of the State at the present session of the Convention, but postponed to a future session, which the committee supposed would be held, and asked to be discharged from the further consideration of the subject.

Mr. Settle moved to suspend the rule that the report may be now considered, but withdrew the motion at the suggestion of



Mr. Thompson, who moved to make the report the special order for to-morrow at 11 o'clock, a. m.

The President decided that the motion was not in order, under the rules, upon the first reading of the report, whereupon,

Mr. Settle renewed his motion to suspend the rule and consider the report to-day.

On this motion of Mr. Settle, the yeas and nays were ordered, and resulted yeas 47, nays 70.

Those who voted in the affirmative are,

Messrs. Alexander, Barrow, Bingham, Brooks, Bryan, Dickey, Dockery, Donnell, Ellis, Faulkner, Gabagan, Garland, Godwin, Haynes, Henrahan, Henry, Hodge, Jackson, Jarvis, Johnston, Jones of Columbus, Jones of Henderson, Joyce, Kelly, Lyon, McCanley, McCleese, McCorkle, McDonald of Chatham, McDonald of Moore, McLaughlin, Moore of Chatham, Pool, Rush, Settle, Simmons, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Stewart, Stubbs, Swan, Thompson, Ward, Williams—47.

Those who voted in the negative are,

Mr. President, Messrs. Adams, Allen, Baines, Baker, Beam, Bell, Berry, Boyden, Brickell, Brown, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Clark, Conigland, Cowper, Eaton, Faircloth, Faison, Ferebee, Furches, Garrett, Gilliam, Grissom, Harris of Guilford, Harris of Rutherford, Howard, Jones of Davidson, Jones of Rowan, Joyner, Kennedy, King, Lash, Logan, Love of Chatham, Love of Jackson, Manly, McKoy of Sampson, McKay of Harnett, McGehee, McIver, N. A. McLean, Nat. McLean, McRae, Mebane, Moore of Wake, Murphy, Nicholson, Norfleet, Odom, Patterson, Perkins, Phillips, Polk, Rumley, Russell, Saunders, Smith of Anson, Starbuck, Stephenson, Walkup, Warren, Willey, Wilson, Winburne, Winston, Wright—70.

So the motion to suspend was not sustained.

Mr. Brown asked and obtained leave to make a personal explanation in regard to the Resolutions introduced by him,



declaring that the result of the war has settled the question of secession, and which were laid upon the table on yesterday.

Mr. Caldwell, of Burke, from the committee on enrollments, reported as correctly enrolled the ordinance prohibiting slavery in the State of North-Carolina, and the same was ratified in open Convention.

The following Ordinances and Resolutions were introduced and passed the first reading:

By Mr. Wilson,

(No. 54.) An Ordinance providing for the support of the pauper freedmen and other colored paupers in North-Carolina.

By Mr. Lyon,

(No. 55.) An Ordinance entitled, "A Relief Ordinance."

By Mr. Starbuck,

(No. 56.) Resolution to appoint a committee to report how much of the late debts was for war purposes, how much for other purposes, the specie value of said debt, the best means of discharging the same, and giving us a good currency and relief to the people.

By Mr. Caldwell, of Guilford,

(No. 57.) Resolution inquiring of the Public Treasurer what amounts have been expended for the relief of the families of indigent soldiers for the purchase of corn for the use of the counties and for the salt works, and in what currency these disbursements were made.

By the same,

(No. 58.) Resolution calling on the Governor for copies of certain acts of the General Assembly passed in secret session.

By Mr. Pool,

(No. 59.) Resolutions requesting the President to proclaim the people of North-Carolina restored to their rights and privileges under the Constitution and the Union.

By Mr. Logan,

(No. 60.) Resolutions defining what subjects should be considered by the Convention, and providing for adjournment on Saturday, 14th instant.



He moved to suspend the rule and put the resolutions on their passage now.

On this motion, Mr. Henry asked the yeas and nays.

Mr. Logan then withdrew his motion.

By Mr. Rumley,

(No. 61.) Resolution for adjournment.

By Mr. McDonald, of Moore,

(No. 62.) Preamble and Resolution to appoint a committee to inquire and report as to the propriety of making provision for widows and orphans made so by the late war.

By Mr. McRae,

(No. 63.) Resolution to appoint a select committee on the *per diem* and mileage of delegates and officers of the Convention.

By Mr. McDonald, of Moore,

(No. 64.) An Ordinance providing for the election of two members to the House of Commons from the county of Moore.

Mr. Barrow moved to take up for consideration (No. 18) the ordinance declaring what laws and ordinances are in force, and the motion did not prevail.

Mr. Love, of Jackson, moved to take up (No. 37) an ordinance for re-districting the State, but withdrew the motion.

Ordinances and resolutions on the calender were then taken up on the second reading, and proceedings had thereon as indicated.

(No. 17.) The ordinance providing for the election of Justices of the Peace, was read, and

On motion of Mr. Settle, referred, together with the substitutes from the committee, to the committee on Constitutional Amendments.

(No. 18.) The ordinance declaring what laws and ordinances are in force, and for other purposes, was taken up for consideration on the second reading.

Mr. Settle moved to postpone the ordinance, and make it the special order for to-morrow 12 o'clock, M., and it was not agreed to.

Mr. Phillips moved that the ordinance be read by sections



together with the amendments recommended by the committee, and the motion prevailed.

Section 1. In fourth line of printed bill, after the word "State," insert the words "except hereinafter excepted." In line 9, after the word "day," insert "except as hereinafter excepted;" and in 17th line, strike out the words "nor any question made," and insert the words "and as if no question had been made," and these amendments were adopted.

Sec. 2. In the 1st line after the word "had," insert the words, "or may be had," and it was adopted.

Sec. 3. In line 11, strike out all after the word "war," to the end of the section, and insert, "and in all suits upon executory contracts, solvable in money, whether under seal or not, made after the depreciation of said currency and yet unfulfilled, (except official bonds and penal bonds payable to the State,) it shall be competent for either of the parties to show by parol or other relevant testimony what the understanding was in regard to the kind of currency in which the same is solvable, and in such case the true understanding shall regulate the value of the contract."

Mr. Furches moved to amend the amendment by striking out all after the word "State," and inserting the words, "that in every action arising on any contract whether under seal or parol, written or oral, made between the 1st day of of June, 1862, and the 15th day of May, 1865, it shall be lawful for either party to the action to introduce testimony showing the true value and real character of the consideration of such contract at the time it was made, so that regard being had to the particular circumstances of each case, such verdict or decree may be rendered as will effect substantial justice between the parties. *Provided*, That nothing in this ordinance contained shall be so construed as to extend to official bonds and bonds only penal in their nature.

And it was not adopted.

The amendment of the committee was then adopted.



Sec. 4. In line 3, after the word "done," insert the words, "or which may be done." Adopted.

Sec. 5. In line 3, after the word "done," insert the words, "or which may be done." Adopted.

Sec. 6. In line 4, after the word "appointed," insert the words, "or under his authority," and after the word "done," in the same line, the words "or to be done," and in line 7, after the word "nevertheless," strike out the remainder of the section and insert, "that so far as it may be competent for this Convention to declare the same, all appointments made, and all offices and places created by or under the authority of the Provisional Governor shall cease at the close of the first session of the next General Assembly, or at such other time as the Assembly shall direct successors in such appointments or officers to be chosen or qualified, subject, however, to the provisions of the Revised Code, chapter 77, section 3." And the amendments were agreed to.

Sec. 7, was read. The committee recommended that the same be stricken out.

[Mr. Caldwell, of Guilford, moved to adjourn to 10 o'clock to-morrow morning, and it was not agreed to.]

Mr. Buxton offered in lieu of section 7, the following :

"All men and women of those persons lately regarded as slaves and now emancipated, who at this time cohabit together as man and wife may, within six months after the ratification of this ordinance, go before the clerk of the Court of Pleas and Quarter Sessions of the county in which they reside and acknowledge the fact of cohabitation and the time of its commencement, and such acknowledgment shall be conclusive evidence of the fact of marriage between the parties at the time mentioned, and the clerk shall enter the same in a book kept for that purpose, and the entry shall be deemed a record.

The President announced the committee on the basis of representation, as follows: Messrs. Bynum, Henry, McKay of Harnett, Stubbs and Conigland.



The question before the Convention being the amendment of Mr. Buxton to the amendment of the committee,

Mr. Eaton asked a division.

The question then being on striking out,

On motion of Mr. Phillips, the Convention adjourned to 10 o'clock to morrow morning.

---

### WEDNESDAY, OCTOBER 11TH, 1865.

The Convention met pursuant to adjournment. Prayer by Rev. J. M. Atkinson of the Presbyterian Church.

The Journal of yesterday was read, amended and adopted.

#### REPORTS FROM COMMITTEES.

Mr. Eaton, from the committee in regard to limiting the indebtedness of the State, reported (No. 65) an ordinance concerning debts of the State, hereafter to be contracted, which passed the first reading.

Mr. Caldwell, of Burke, from the committee on enrollments, reported as correctly enrolled, "A Resolution to print 120 copies of the Constitution of the State;" A Resolution concerning a flag," and "an ordinance providing for the election of members of a General Assembly to be convened on the 3d Monday of November, 1865, and for electing Representatives in Congress and Governor of the State," and the same were ratified in open Convention.

Mr. Manly, from the committee to report what ordinances of the Convention shall be submitted to the people, reported in part, that of the ordinances already passed, "The ordinance declaring null and void the ordinance of May 20th, 1861," and "an ordinance prohibiting slavery in the State of North-Carolina," should be submitted to the people for ratification or rejection.

Mr. Pool, from the committee to which was referred the address of the Freedmen's Convention, made a report, re-



commending the adoption of, (No. 68) a resolution to constitute a commission to prepare and report to the Legislature a code of laws on the subject of freedmen.

Mr. Caldwell, of Burke, moved to suspend the rule and consider the report at this time, and the motion prevailed.

He then moved that 500 copies of the report be printed for the use of the Convention, and the motion was agreed to.

#### ORDINANCES AND RESOLUTIONS INTRODUCED.

By Mr. Jones, of Davidson,

(No. 66.) An ordinance for the election of clerks and sheriffs, which passed the first reading.

By Mr. Moore, of Wake,

(No. 67.) A resolution as follows:

*Resolved*, That so much of the Treasurer's report as relates to the adoption of some summary remedy against parties refusing to deliver up property or withholding funds placed in their hands for State purposes, be referred to a special committee of three members.

By Mr. McKay, of Sampson,

(No. 69.) A resolution requesting the Governor to correspond with the President of the United States, with regard to the officers and citizens confined by the military authorities, in Raleigh and Wilmington, North-Carolina.

#### UNFINISHED BUSINESS.

(No. 18.) The ordinance declaring what laws and ordinances are in force, under consideration at the time of adjournment on yesterday, was taken up,

The question being on the motion to strike out section 7, under the motion of Mr. Eaton for a division of question,

Mr. Buxton withdrew his amendment.

Mr. Barrow offered an amendment, as follows:

"All freedmen and women, formerly slaves, who, on the 1st day of June, 1865, were living and cohabiting together



as man and wife, and all such persons, who, having left the country, shall have returned, and are living together as man and wife, according to the custom of the slaves in this State, are hereby declared to have been legally married, and the issue of such marriages shall be legitimate to all intents and purposes."

Mr. Moore offered an amendment to the original section, as follows :

In line 2, after the word "emancipation," strike out the words "at this time cohabit together," and insert the words, "at the ratification of this ordinance, shall voluntarily and publicly cohabit together in the relation of husband and wife, and for six months theretofore shall have voluntarily and publicly so cohabited together in that relation."

Mr. Barrow accepted this amendment in lieu of his own, which was withdrawn.

The amendment of Mr. Moore, of Wake, was then adopted.

Mr. Wright moved to amend by adding, at the end of the section, the words "*Provided*, That the General Assembly shall have power to repeal, or in any way alter or amend the provisions of this section," and the amendment was adopted.

The question then recurred on the amendment of the committee to strike out the section.

Mr. Starbuck offered the following additional proviso : "*Provided further*, That the repeal or amendment of this section shall not invalidate any marriage legalized prior to such repeal or amendment;" but afterwards withdrew it.

The question again recurred on striking out.

Mr. Faison asked the yeas and nays, which were ordered, and resulted yeas 68, nays 42.

Those who voted in the affirmative, are,

Messrs. Adams, Allen, Baker, Bell, Bingham, Boyden, Bradley, Brown, Brooks, Bryan, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Clark, Eaton, Faircloth, Faison, Ferebee, Furches, Gahagan, Harris of Guilford, Harris of Rutherford, Haynes, Hodge, Howard, Jarvis, Jones of Davidson, Jones of Rowan, Joyce, Joyner, Kelly, Kennedy,



King, Lash, Logan, Love of Chatham, Lyon, Manly, McCleese, McCorkle, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, Nat. McLean, McLaughlin, Moore of Chatham, Norfleet, Patterson, Perkins, Philips, Polk, Saunders, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Starbuck, Stephenson, Stubbs, Swan, Ward, Warren, Willey, Williams, Wilson and Winston—68.

Those who voted the negative are,

Messrs. Alexander, Baines, Barrow, Beam, Berry, Brickell, Conigland, Cowper, Dickey, Dockery, Ellis, Faulkner, Garland, Garrett, Gilliam, Godwin, Grissom Henry, Jackson, Johnston, Jones of Columbus, Jones of Henderson, Love of Jackson, McCauley, McIver, N. A. McLean, McRae, Moore of Wake, Murphy, Nicholson, Odom, Pool, Rumley, Russell, Rush, Simmons, Spencer of Montgomery, Stewart, Thompson, Walkup, Winborne and Wright—42.

Section 8 was read.

Mr. Wright moved to amend by inserting before the words "General Assembly," the words "or this Convention," and the amendment was agreed to.

The ordinance as amended, then passed the second reading.

Mr. McKay, of Harnett, moved to suspend the rule and put the ordinance now on its third reading, and it was not agreed to.

(No. 27.) An Ordinance to apply to the President for a general amnesty, was read, and the resolution reported and recommended by the committee was adopted.

(No. 35.) An Ordinance recognizing the just debts of North-Carolina and prohibiting the payment of all public debts contracted or incurred in aid of the late rebellion, was read the second time, together with the report of the Committee.

The question being on concurring in the report,

Mr. Mebane moved to lay the whole subject on the table.

On this motion Mr. Thompson asked the yeas and nays, which were ordered and resulted, yeas 52, nays 62.



Those who voted in the affirmative, are,

Messrs. Adams, Allen, Baker, Beam, Bell, Berry, Boyden, Brickell, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Clark, Conigland, Eaton, Faircloth, Faison, Ferebee, Furches, Gilliam, Grissom, Harris of Guilford, Harris of Rutherford, Howard, Jones of Davidson, Jones of Rowan, Kennedy, Lash, Logan, Love of Jackson, Manly, McKoy of Sampson, McKay of Harnett, McGehee, McRae, Mebane, Murphy, Nicholson, Norfleet, Patterson, Perkins, Phillips, Polk, Russell, Saunders, Smith of Anson, Spencer of Hyde, Starbuck, Stephenson, Winston, Wright—52.

Those who voted in the negative, are,

Messrs. Baines, Barrow, Bingham, Bradley, Brown, Brooks, Bryan, Cowper, Dickey, Dockery, Donnell, Ellis, Faulkner, Gahagan, Garland, Garrett, Godwin, Haynes, Henry, Hodge, Jackson, Jarvis, Johnston, Jones of Columbus, Jones of Henderson, Joyce, Joyner, Kelly, King, Love of Chatham, Lyon, McCauley, McCleese, McCorkle, McDonald of Chatham, McDonald of Moore, McIver, N. A. McLean, Nat. McLean, McLaughlin, Moore of Chatham, Moore of Wake, Odom, Pool, Rumley, Rush, Settle, Simmons, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Stewart, Stubbs, Swan, Thompson, Walkup, Ward, Willey, Williams, Wilson, Winburne—62.

Mr. Caldwell, of Guilford, moved to adjourn to 10 o'clock to-morrow morning.

On this motion Mr. Settle asked the yeas and nays, which being ordered, resulted yeas 59, nays 55.

Those who voted in the affirmative are,

Messrs. Adams, Alexander, Allen, Baines, Baker, Beam, Boyden, Brickell, Buxton, Caldwell of Guilford, Clark, Conigland, Cowper, Donnell, Eaton, Faircloth, Faison, Ferebee, Gilliam, Grissom, Harris of Guilford, Harris of Rutherford, Henrahan, Howard, Jones of Rowan, Joyner, Lash, Logan, Love of Chatham, Manly, McCleese, McKoy of Sampson, McGehee, McIver, N. A. McLean, Nat. McLean, McRae, Moore of Wake, Murphy, Nicholson, Norfleet, Perkins, Phil-



lips, Pool, Russell, Saunders, Simmons, Sloan, Spencer of Hyde, Starbuck, Swan, Thompson, Willey, Williams, Wilson, Winburne, Winston and Wright—58.

Those who voted in the negative are,

Messrs. Barrow, Bell, Bingham, Bradley, Brown, Brooks, Bryan, Burgin, Caldwell of Burke, Dickey, Dockery, Ellis, Faulkner, Furches, Gahagan, Garland, Garrett, Godwin, Haynes, Henry, Hodge, Jackson, Jarvis, Johnston, Jones of Columbus, Jones of Davidson, Jones of Henderson, Joyce, Kelly, Kennedy, King, Love of Jackson, Lyon, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McLaughlin, Mebane, Moore of Chatham, Odom, Patterson, Polk, Rush, Settle, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Stephenson, Stewart, Stubbs, Walkup and Ward—56.

The Convention was declared adjourned to 10 o'clock tomorrow morning.

---

#### THURSDAY, OCTOBER 12TH, 1865.

The Convention met pursuant to adjournment. Prayer by Rev. Henry Hardie, of the Presbyterian Church.

The Journal of yesterday was read and adopted.

#### REPORTS FROM COMMITTEES.

Mr. Henry, from the select committee on the basis of Representation, reported,

(No. 70.) An Ordinance amending the Constitution on the basis of representation, and recommended its passage.

Mr. Caldwell, of Burke, from the committee on enrollments, reported as correctly enrolled, a "Resolution upon the subject of a general amnesty to the people of North-Carolina," and the same was ratified in open Convention.

Mr. Ellis, from the committee on the resolution of thanks



to President Johnson and Governor Holden, reported a substitute for the original resolution as follows :

"That the administration of Andrew Johnson, President of the United States, has been eminently national and conservative, embracing every section of this republic, and that he is entitled to the gratitude of this State for the manifestation of his purpose to secure to them at as early a day as is practicable, the restoration of their Constitutional rights in the Union ; and that W. W. Holden, Provisional Governor, deserves our thanks for his zealous and faithful labors to the same end.

*Resolved*, That copies of the above resolution be transmitted by the President of this Convention to President Johnson and Governor Holden.

Mr. Ellis moved to suspend the rules and put the resolutions on their passage, and it was not agreed to.

Mr. McIver moved that the Committee on Constitutional Amendments be discharged from the further consideration of the ordinance for the election of Justices of the Peace, and that the same be again referred to the Committee on Magistrates ; and the motion was agreed to.

#### RESOLUTIONS AND ORDINANCES INTRODUCED.

By Mr. Jones, of Rowan :

(No. 71,) A resolution for evening sessions.

By Mr. Jones, of Rowan,

A resolution (No. 72,) for adjournment.

By Mr. Henry,

(No. 73,) Resolutions concerning the uncompleted improvements in the State.

By Mr. Walkup,

(No. 74,) Resolutions in regard to the removal of the freedmen.

By Mr. Jones, of Henderson,

(No. 75,) A resolution to allow soldiers discharged from the United States army to vote without a certificate of amnesty.



By Mr. Henry,

(No. 76.) An ordinance concerning the election in November next.

Mr. McRae moved to take up and consider

(No. 63.) A resolution to appoint a committee on the *per diem* of members and officers of the Convention. The motion prevailed, and the resolution was adopted.

The President appointed the following gentlemen to constitute the committee: Messrs. McRae, Lyon, Moore of Chatham; Henry and Walkup.

#### UNFINISHED BUSINESS.

(No. 35.) An ordinance recognizing the just debts of North-Carolina, and prohibiting the payment of all public debts contracted or incurred in aid of the rebellion, under consideration on the second reading at the adjournment yesterday, was taken up.

The question being on the passage of the ordinance on its second reading,

Mr. McKay, of Harnett, moved to postpone the further consideration of the ordinance to the 4th Monday of November next, but temporarily withdrew it at the request of Mr. Moore, of Wake, who introduced as an amendment (to No. 35,) a substitute "in relation to the public debt."

Mr. McKay then renewed his motion to postpone, pending which,

On motion of Mr. Phillips, at 2 h. 45 min., p. m., the Convention adjourned to 10 o'clock to-morrow morning.

---

#### FRIDAY, OCTOBER 13TH, 1865.

The Convention met pursuant to adjournment. Prayer by Rev. Mr. Stewart, delegate from Buncombe.

The journal of yesterday was read and adopted.



## REPORTS FROM COMMITTEES.

Mr. McIver, from the committee on Magistrates, made a report recommending the passage of an ordinance as a substitute for the various propositions referred to the committee.

Mr. McRae, from the committee to fix the *per diem* of members and officers of the Convention, reported the following resolution :

(No. 77.) *Resolved*, That the President of the Convention receive ten dollars per day.

Each delegate six dollars per day.

The principal and Assistant Secretaries each ten dollars per day.

The Enrolling Clerk seven dollars per day.

The Principal and Assistant Door-keepers, each seven dollars per day

And that each delegate thereto, and officer, shall be entitled to receive twenty cents per mile, coming and returning from his residence to the Capital over the most direct public route.

Mr. McRae moved that the rule be suspended and the resolution placed on its several readings, and the motion prevailed.

The resolution was read the second time, and the question being on its passage.

Mr. Conigland offered to amend by making the *per diem* of each member five dollars, and the Enrolling Clerk seven dollars.

Mr. Winston moved to amend the amendment, by striking out "five" and inserting "six," and the amendment was agreed to.

Mr. Caldwell, of Guilford, moved to amend the mileage, by striking out "20" and insert "15," but afterwards withdrew it.

The question was then on the adoption of the amendment as amended.



Mr. Polk asked the yeas and nays, and the same were not ordered.

The amendment was then agreed to, ayes 49, noes 44.

The resolution then passed the second and third readings, and was ordered to be enrolled.

#### RESOLUTIONS AND ORDINANCES INTRODUCED.

By Mr. Jones, of Rowan,

A resolution (No. 78) providing for evening sessions.

He moved to suspend the rule, and consider the resolution to-day, and the motion did not prevail.

By Mr. Rumley,

(No. 79.) A resolution asking for the removal of the colored troops from North-Carolina.

He moved to suspend the rule, and consider the resolution to-day, and it was not agreed to.

By Mr. King,

(No. 80.) An ordinance to amend section 6, of the Constitution of North-Carolina, and article 1st, section 3, of the amended Constitution.

Mr. Logan moved that the rules be suspended, that (No. 60) be taken up. Resolution concerning what subjects the Convention will take up, and as to a day of adjournment, and the motion did not prevail.

Mr. Moore, of Wake, moved to suspend the rule and take up (No. 67,) a resolution to appoint a committee in regard to public property, and the motion prevailed.

The resolution was then read and adopted, and the President appointed Messrs. Moore of Wake, Phillips and Boyden, to constitute said committee.

Mr. Dockery moved to suspend the rule and take up (No. 37,) an ordinance for re-districting the State, and the motion prevailed.

Mr. Perkins moved to re-commit the subject to the committee, but withdrew the motion by consent of the Convention.



Mr. Settle moved to lay on the table.

Mr. Phillips raised the point of order, that the Convention having just agreed to take up the ordinance, a motion to lay on the table was not in order, there having been no action had on it in the meantime; and the point of order was sustained by the President.

Mr. Perkins then offered the following amendments:

1. Strike out "Hyde and Beaufort," in 9th line of 1st section, and insert, "Edgecombe and Wilson."

Strike out "Edgecombe and Wilson," in 11th line of 1st section, and insert "Hyde and Beaufort."

2. Strike out "New Hanover," in the 12th line of the 1st section, and insert "Sampson."

Strike out "Sampson," in 13th line of the 1st section, and insert "New Hanover."

Mr. Settle moved to lay the whole subject on the table, on which motion he asked the yeas and nays.

The yeas and nays were not ordered, and the question was put on the motion to lay on the table, and it was not agreed to.

The question recurring on the adoption of the amendment,

Mr. Grissom asked that the vote be taken on the amendments separately, and it was agreed to.

The question was put on the first amendment and it was not adopted.

Then the question was put on the second amendment and it was not adopted.

Mr. McKay, of Harnett, offered as an additional section, "*Be it further ordained*, That the Legislature may, by law, redistrict the State as often as the same may be expedient. The amendment was not adopted.

Mr. Brooks offered the following amendment: In the 2nd section, strike out "Bertie" and insert the word "Chowan," and it was agreed to.

The ordinance then passed the second reading.

Mr. Dockery moved to suspend the rule and put the ordinance on its final reading. The motion prevailed, and the



ordinance was read the third time, passed the third reading and was ordered to be enrolled.

Mr. Moore, of Wake, from the special committee on public property, appointed this morning, reported,

(No. 81.) An Ordinance to appoint a Judge to determine State claims to property, and recommended its passage.

Mr. Nicholson moved to take up (No. 29) a resolution to appoint a committee to report on the reorganization of the militia, and the motion prevailed.

The question being on the adoption of the resolution, it was agreed to.

Mr. Jones, of Rowan, moved that the sessions of the Convention shall hereafter be from 10 o'clock, a. m., to 2 p. m., and from 7 p. m. to adjourn at pleasure, but afterwards modified it so as to apply the motion to this day only, and it was not agreed to.

#### UNFINISHED BUSINESS.

(No. 35.) The Ordinance in relation to the public debts was taken up on its second reading, the question being on the motion of Mr. McKay, of Harnett, to postpone the further consideration of the ordinance to the 4th Monday of November.

Mr. Caldwell, of Guilford, moved to lay the whole subject on the table.

On this motion Mr. Stewart asked the yeas and nays, and the same being ordered, resulted, yeas 63, nays 50.

Those who voted in the affirmative are :

Messrs. Adams, Alexander, Allen, Baines, Baker, Beam, Berry, Boyden, Brickell, Brown, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Clark, Conigland, Cowper, Eaton, Faircloth, Faison, Ferebee, Furches, Gilliam, Grissom, Harris of Guilford, Harris of Rutherford, Henrahan, Howard, Jarvis, Jones of Davidson, Jones of Rowan, Joyner, Kennedy, Lash, Logan, Manly, McKoy of Sampson, McKay of Harnett, McGehee, McIver, N. A. McLean, McRae, Mebane, Mur-



phy, Nicholson, Norfleet, Patterson, Perkins, Phillips, Polk, Rumley, Russell, Saunders, Simmons, Smith of Anson, Spencer of Hyde, Starbuck, Stubbs, Willey, Wilson, Winburne, Winston, Wright—63.

Those who voted in the negative are :

Messrs. Barrow, Bell, Bingham, Bradley, Brooks, Bryan, Dickey, Donnell, Ellis, Faulkner, Gahagan, Garland, Garrett, Godwin, Haynes, Henry, Hodge, Jackson, Johnston, Jones of Columbus, Jones of Henderson, Joyce, Kelly, King, Love of Chatham, Love of Jackson, Lyon, McCauley, McCleese, McCorkle, McDonald of Chatham, McDonald of Moore, Nat. McLean, McLaughlin, Moore of Chatham, Moore of Wake, Odom, Pool, Rush, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Stephenson, Stewart, Thompson, Walkup, Ward, Williams—50.

Mr. Love, of Jackson, moved that the rule be suspended and the ordinance on the basis of representation be taken up, and it was not agreed to.

(No. 18.) Ordinance declaring what laws and ordinances are in force, was taken up on its third reading.

Mr. Moore, of Wake, moved an adjournment to 10 o'clock to-morrow morning and the motion prevailed.

Messrs. Phillips, Kennedy and Patterson, asked and obtained leave of absence until Monday morning.

The President announced the following committee on the re-organization of the militia: Messrs. Howard, Wright, Russell, Dockery and Starbuck.

Then at 2 h. and 15 m., p. m., the President declared the Convention adjourned to 10 o'clock to-morrow morning.

---

### SATURDAY, OCTOBER 14TH, 1865.

The Convention met pursuant to adjournment. Prayer by Rev. P. H. Joyner, delegate from Warren.

The journal of yesterday was read and adopted.



## RESOLUTIONS AND ORDINANCES INTRODUCED.

By Mr. Eaton,

(No. 84.) *Resolved*, That immediately after the adjournment of the Convention, during this present session, the President thereof be requested to forward to the President of the United States a copy of the Declaration of Rights and of the Constitution of North-Carolina, and of all the amendments to the said Constitution which were adopted prior to the 20th of May, 1861; and also a copy of the ordinance of this Convention, entitled "An Ordinance to declare null and void the Ordinance of May 20th, 1861," and the Ordinance against slavery.

*Resolved further*, That the said Declaration of Rights, Constitution and Amendments shall be authenticated by the signature of the President of the Convention, and by that of the Provisional Governor, under the great seal of the State, as to the official character of the President, and that the said ordinances shall be authenticated according to the direction of the ordinance upon that subject, which has been passed during the present session of this Convention.

Mr. McDonald, of Moore, introduced,

(No. 82.) An ordinance for ascertaining the wish of the people in relation to the war debt.

Mr. Caldwell, of Burke, moved that the rules be suspended, and the ordinance be put on its several readings to-day.

On this motion Mr. Kelly asked the yeas and nays, and the same being ordered, the rule was not suspended, two-thirds not voting therefor—yeas 61, nays 48.

Those who voted in the affirmative, are,

Messrs. Alexander, Baker, Barrow, Bell, Bradley, Brooks, Bryan, Burgin, Buxton, Caldwell of Burke, Dickey, Dockery, Donnell, Ellis, Faulkner, Furches, Gahagan, Garland, Garrett, Godwin, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Johnston, Jones of Davidson, Jones of Henderson, Joyce, Kelly, King, Love of Chatham, Lyon, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of



Moore, McIver, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Nicholson, Odom, Pool, Russell, Rush, Settle, Simmons, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Stephenson, Stewart, Stubbs, Swan, Thompson, Ward and Williams—61.

Those who voted in the negative, are,

Messrs. Allen, Baines, Beam, Berry, Bingham, Boyden, Brickell, Brown, Caldwell of Guilford, Clark, Conigland, Cowper, Eaton, Faircloth, Faison, Ferebee, Gilliam, Grissom, Harris of Guilford, Henrahan, Howard, Jarvis, Jones of Rowan, Joyner, Kennedy, Lash, Logan, Love of Jackson, Manly, McKoy of Sampson, McGehee, Mebane, Moore of Wake, Murphy, Norfleet, Perkins, Phillips, Polk, Rumley, Saunders, Smith of Anson, Starbuck, Walkup, Willey, Wilson, Winburne, Winston and Wright—48.

By Mr. Gabagan,

(No. 83.) Resolution concerning the enrollment of the ordinance prohibiting slavery in the State of North-Carolina.

By Mr. Moore, of Wake,

(No. 85.) Resolution directing to be printed the acts of the last General Assembly.

Mr. Moore moved to suspend the rules and put the resolution on its several readings to-day.

The motion was agreed to, the resolution passed the several readings and was ordered to be enrolled.

Mr. Wright, from the committee on the Treasurer's report, reported

(No. 86.) An Ordinance to provide revenue for 1865.

By Mr. Allen,

(No. 87.) An Ordinance to amend the third section of the 1st article of the amended Constitution of the State, and also the 6th section of the same.

Mr. N. A. McLean moved to suspend the rule and take up and consider (No. 79) resolution for the removal of colored troops from North-Carolina, and the motion prevailed.

The resolution was then read and adopted.

Mr. Jones, of Davidson, moved to suspend the rule and



take up (No. 66) an ordinance providing for the election of Sheriffs and Clerks of the several counties, and it was agreed to, ayes 45, noes 12.

The ordinance was read the second time.

Mr. King moved to amend by making the election to take place on the 2d Thursday in December next, and it was not agreed to.

Mr. Kennedy moved to lay the ordinance on the table, and it was not agreed to.

Mr. Moore, of Wake, moved to amend by adding to the first section the words, "Provided that all persons qualified to vote for members of the House of Commons shall be qualified to vote for these officers," and the amendment was adopted.

The ordinance then passed the second and third readings and was ordered to be enrolled.

Mr. Thompson moved to suspend the rules and take up for consideration (No. 50,) an ordinance in relation to the late officers of this State, and it was agreed to, ayes 52, noes 18.

The ordinance was then read the second time.

Mr. Conigland moved to amend as follows: "Provided, however, that this ordinance shall not be construed to apply to the office of the Judge of the Supreme or Superior Courts, or to the offices of Attorney General and Solicitors for the several judicial circuits throughout the State," and the amendment was not adopted.

Mr. Furches moved to amend as follows: Strike out all between the word "chosen," in the 5th line of the printed bill, and the word "are" in the 6th line, and insert, after the word "held," in the 4th line, the words, "and exercised," and the amendment was agreed to.

The ordinance then passed the second reading.

#### ORDINANCES, &C., ON THE CALENDAR TAKEN UP.

(No. 18.) Ordinance declaring what laws and ordinances are in force, was read the third time.



Mr. McKay, of Harnett, moved to amend as follows: In section 3, line 12, strike out the words "in suits upon," and in 15th line, insert after the word "State" the words, "shall be deemed to have been made with the understanding that they were solvable in money of the value of the said currency," and,

Mr. Conigland moved to amend the amendment as follows: In line 14, section 3, after the word "currency," insert "and before the 1st day of May, 1865."

The question being on the adoption of the amendment,

Mr. Polk asked the yeas and nays, and they were not ordered.

The amendment was then adopted, ayes 50, noes 30.

The question recurring on the final passage of the ordinance,

Mr. Caldwell, of Burke, offered the following amendments:

Section 5, line 2, after the word "officer," insert the words "or private."

Same section, line 3, after the word liable, insert the words, "to indictment."

Strike out all of the 5th section after the word "Government," in the 6th line.

Pending the consideration of these amendments,

On motion of Mr. Caldwell, of Guilford, at 3 h., 20 m. p. m., the Convention adjourned to 10 o'clock Monday morning.

---

### MONDAY, OCTOBER 16TH, 1865.

The Convention was called to order pursuant to adjournment. Prayer by Rev. Mr. Stewart, delegate from Buncombe.

The Journal of Saturday was read and adopted.

Mr. Wilson moved to suspend the rule, and take up for consideration (No. 54,) an ordinance providing for pauper freedmen, and it was not agreed to.

Mr. Donnell presented a petition from Theodore J. Hughes,



asking an investigation into his transactions, as State Agent, in the purchase of rosin, and the same being read,

Mr. Donnel moved that a committee of three be appointed, to whom the petition shall be referred

The motion prevailed, and the President announced: Messrs. Waugh, Caldwell of Guilford, and Conigland.

Mr. Eaton introduced (No. 88,) a resolution concerning the test oath.

By Mr. Caldwell, of Guilford,

(No. 89.) An ordinance to scale and consolidate the public debt of North-Carolina.

Mr. Caldwell, of Burke, from the committee on enrollments, reported as correctly enrolled, "An ordinance to divide North-Carolina into seven Congressional Districts;" "Resolution concerning the per diem and mileage of officers and members of the Convention," and "A resolution to print one hundred and twenty copies of the Constitution of the State," and the same were ratified in open Convention.

Mr. Clark, from the same committee, reported as correctly enrolled, "An ordinance for the election of Clerks and Sheriffs;" "Resolution asking for the removal of the colored troops from North-Carolina," and "Resolution directing to be printed the Acts and Resolutions of the General Assembly, which convened on the third Monday of November, in the year of our Lord one thousand eight hundred and sixty-four," and they were ratified in open Convention.

By Mr. Thompson,

(No 90.) Resolution in regard to a recess of the Convention, as follows:

*Resolved*, That when this Convention adjourns, except from day to day, it adjourn to meet on the second Thursday in May, 1866, or sooner, upon the call of the Governor; and if any vacancy shall occur in the mean time, writs of election to fill the same, shall be issued by the Governor of the State.

Mr. Thompson moved to suspend the rule, and consider the resolution to-day, and the motion prevailed.



Mr. Winston moved to amend, by striking out "2d," and inserting "4th," and it was adopted.

Mr. Joyner, to amend by striking out "May," and inserting "July," and the amendment was not adopted.

The question was put on the passage of the resolution, and it was adopted.

Mr. Burgin moved to reconsider the last vote, and the motion did not prevail.

Mr. Winburne moved that a committee of five be appointed by the President, to examine the Calender and report tomorrow, what ordinances and resolutions are necessary, in their opinion, for the Convention to act upon during its present session, and report a day of adjournment.

The motion prevailed, and the President appointed Messrs. Winburne, Brooks, Starbuck, Boyden and Mebane, to constitute said committee.

By Mr. Gilliam,

(No. 31.) An ordinance to provide for filling vacancies during the recess of the Convention.

He moved to suspend the rule and put the ordinance on its several readings to-day.

The motion prevailed and the ordinance was read the second and third times, passed, and ordered to be enrolled.

Mr. Burgin moved to suspend the rule and take up for consideration (No. 25,) an ordinance on the basis of representation; and it was not agreed to.

By Mr. Moore, of Wake,

From the committee on what laws and ordinances shall be referred to the people, reported (No. 92,) an ordinance submitting to the qualified voters of the State the ratification or rejection of certain ordinances.

He moved to suspend the rule and put the ordinance on its second reading to-day, and the motion prevailed.

The ordinance having been read,

Mr. Conigland moved to amend as follows:

Strike out all between the word "ordinance" in the 10th



line of the first section, and the word "an" in the 20th line of the same section.

Mr. Caldwell, of Burke, asked the yeas and nays, and the same being ordered, the amendment was not adopted, yeas 5, nays 102.

Those who voted in the affirmative are,

Messrs. Allen, Conigland, Howard, Kennedy, McKoy of Sampson—5.

Those who voted in the negative are,

Messrs. Adams, Alexander, Baines, Baker, Barrow, Beam, Bell, Berry, Bingham, Boyder, Bradley, Brickell, Brown, Brooks, Bryan, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Clark, Cowper, Dickey, Dockery, Donnell, Eaton, Ellis, Faircloth, Faison, Faulkner, Ferebee, Furches, Gahagan, Garland, Garrett, Gilliam, Godwin, Grissom, Harris of Guilford, Haynes, Henrahan, Henry, Jackson, Jarvis, Johnston, Jones of Columbus, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, Kelly, King, Logan, Love of Chatham, Love of Jackson, Lyon, Manly, McCauley, McCleese, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIver, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, Murphy, Nicholson, Norfleet, Odom, Perkins, Phillips, Polk, Pool, Rumley, Russell, Rush, Saunders, Simmons, Sloan, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Stubbs, Swan, Thompson, Walkup, Ward, Willey, Williams, Wilson, Winburne, Winston, Wright—102.

The ordinance then passed the second reading.

Mr. Jones, of Davidson, moved to suspend the rule and put the ordinance on the third reading, and the motion prevailed.

The ordinance was then read the third time.

Mr. Moore, of Wake, moved to amend by making the ballot to be for or against the ordinance of secession.

Mr. Starbuck, to so amend that both ordinances shall be



submitted together, and the vote shall be "ratification" or "rejection," but withdrew it by consent.

Mr. Caldwell, of Burke, offered to amend as follows: In the 11th line strike out all after the word "words," and to the word "secession" in the 14th line, and insert "no secession," and those opposed shall vote "secession." In 20th line, strike out the words "for the ordinance prohibiting slavery," and insert the words "no slavery," and in lines 21 and 22, strike out the words "against the ordinance prohibiting slavery," and insert the words, "slavery."

Mr. Henry asked the yeas and nays, and the same being ordered, the amendment was not adopted, yeas 28, nays 78.

Those who voted in the affirmative are,

Messrs. Barrow, Bryan, Caldwell of Burke, Dickey, Dockery, Furches, Gahagan, Garland, Garrett, Godwin, Henry, Jackson, Jones of Columbus, Jones of Henderson, Joyce, Kelly, Logan, McCleese, McDonald of Chatham, McDonald of Moore, Moore of Chatham, Rush, Sloan, Smith of Wilkes, Spencer of Montgomery, Stewart, Thompson, Williams—28.

Those who voted in the negative are,

Messrs. Adams, Alexander, Allen, Baines, Baker, Beam, Bell, Berry, Bingham, Bradley, Brickell, Brown, Burgin, Buxton, Caldwell of Guilford, Clark, Conigland, Cowper, Donnell, Eaton, Faircloth, Faison, Faulkner, Ferebee, Gilliam, Grissom, Harris of Guilford, Haynes, Henrahan, Hodge, Howard, Jarvis, Johnston, Jones of Davidson, Jones of Rowan, Joyner, Kennedy, King, Love of Chatham, Love of Jackson, Lyon, Manly, McCanley, McCorkle, McKoy of Sampson, McKay of Harnett, McGehee, McIver, N. A. McLean, Nat. McLean, McLaughlin, McRae, Melbane, Moore of Wake, Murphy, Nicholson, Norfleet, Odom, Perkins, Phillips, Polk, Rumley, Russell, Saunders, Simmons, Smith of Anson, Spencer of Hyde, Starbuck, Stephenson, Stubbs, Swan, Walkup, Ward, Willey, Wilson, Winburne, Winston, Wright—78.

Mr. Moore, of Wake, then moved to amend the amendment as follows: That the vote shall be,



•  
“Anti-slavery ordinance ratified,”

“Anti-slavery ordinance rejected.”

“Anti-secession ordinance ratified,”

“Anti-secession ordinance rejected”

And these amendments were adopted.

The amendment, as amended, was then adopted.

The ordinance, as amended, then passed the third reading, and was ordered to be enrolled.

Mr. Moore, of Wake, introduced (No. 93,) an ordinance to give publicity to the ordinances ordering elections, and ratification or rejection, on the 2d Thursday in November, which passed the several readings, under a suspension of the rules, and was ordered to be enrolled.

By the same, (No. 94,) an ordinance to protect the rightful owners of property, and for other purposes, which passed the first reading.

Mr. Moore, moved that it be referred to a select committee of five, and the motion prevailed.

The President appointed Messrs. Moore of Wake, Phillips, Boyden, Eaton and Winston.

Mr. Wright moved to make (No. 86,) “an ordinance to provide revenue,” the special order for to-morrow 11 o'clock, a. m., and the motion prevailed.

Mr. Caldwell, of Burke, asked and obtained leave of absence for the remainder of the session.

Mr. Phillips moved to suspend the rule, and take up (No. 38,) a resolution concerning public records.

The motion prevailed, and the resolution was read and adopted.

On motion of Mr. Winston,

[ (No. 88.) Resolution concerning the test oath, was taken up and adopted.

On motion of Mr. Caldwell, of Guilford, the Convention took a recess until 7 o'clock, p. m.



## EVENING SESSION—MONDAY, OCT. 16TH, 1865.

The Convention re-assembled at 7 o'clock.

Mr. McRae moved to suspend the rule and take up, (No. 48,) an ordinance providing for certain elections in Cumberland and Harnett, and the motion prevailed.

The ordinance was then read the second time.

Mr. Henry moved to lay the ordinance on the table, and the motion did not prevail.

The ordinance was then read the second and third times, passed, and was ordered to be enrolled.

## UNFINISHED BUSINESS.

(No. 18.) The ordinance declaring what laws and ordinances are in force, was taken up for the third reading.

Mr. Caldwell, of Guilford, moved to postpone the consideration of this ordinance and make it the special order for to-morrow at 11 o'clock, and take up at this time (No. 86,) an ordinance to provide revenue for 1865, and it was agreed to.

Mr. Howard moved that the second reading be by sections, and it was agreed to.

Section first :

Mr. Wright moved to amend by adding at end of 4th line the words "in the existing national currency," and it was adopted.

Second section read and adopted.

Third section read.

Mr. Sloan moved to amend as follows : Add at end of the section the words, "and on every gallon of whiskey, brandy or other spirituous liquor distilled out of this State and imported into it for sale, a tax of fifty cents," and the amendment was adopted.

Mr. Lyon moved to amend by striking out of the 2d line, the words, "for his own use," and the amendment was not adopted.

Sections 4, 5, 6, 7, 8, 9 and 10 were read and adopted.

Section eleven read.



Mr. Spencer, of Montgomery, moved to amend as follows: Strike out after the word "liquors," the words "seventy-five dollars," and insert "twenty-five dollars," and it was not adopted.

Mr. Wright to amend by adding, after the word "retailer" in the first line, the words "by a measure less than a quart," and the amendment was adopted.

By the same, at the end of the section add, "for each place where such retailing may be carried on: *Provided, however,* That in cases in which a license has been granted to any retailer of spirituous liquors, and he has paid any amount to the Sheriff or Clerk of the County Court of his County, the amount so paid, shall be credited by the Sheriff to such retailer in the collection of the tax laid by this section," and the amendment was adopted.

Mr. Lyon moved to amend by striking out "seventy-five" and inserting "fifty," and it was not agreed to.

The section was then adopted as amended.

Section 12th was read:

Mr. Jones, of Davidson, moved to amend by striking out of the first line, the word "two" and insert the word "five," and it was not adopted.

Mr. Caldwell, of Burke, moved to strike out the entire section, and it was not agreed to.

Section 13 was read,

Mr. Dockery moved to amend by inserting after the word "any" in the third line, the words "spirituous liquors," and the amendment was adopted.

Mr. McDonald, of Moore, to amend by inserting after the word "liquors" in the last amendment, the word "tobacco," which, after some discussion, was withdrawn by consent.

Mr. Buxton, to amend by striking out of the 2nd line, the words "or have peddled," and insert instead thereof, the words "hereafter," and it was agreed to.

Mr. Lyon, a proviso as follows: "That flour shall not be considered merchandize," and it was adopted.

Section 14 was read and adopted.



Section 15 read.

Mr. Odom moved to amend by inserting in the first line after the word "cotton," the words "or hogshead of tobacco, or on every two hundred dollars worth of manufacture tobacco," and it was adopted.

Section 16 read

Mr. Odom moved to amend as follows: In first line, after the word "cotton," insert the words, "or hogshead of tobacco, or on every two hundred dollars worth of manufactured tobacco," and the amendment was adopted.

Mr. McIver, to strike out of the 5th line, the word "two" and insert the word "one," and it was not agreed to.

Section 17 was read.

Mr. Jones, of Columbus, moved to amend by striking out "ten" in line 3, and insert "five."

Mr. Furches, to amend the amendment by inserting "twenty-five" instead of "five," not agreed to.

The amendment of Mr. Jones was then adopted.

Section 18 read.

Mr. Jones, of Columbus, to amend by striking out of the 5th line the word "twenty" and insert "ten," and it was adopted

Section 19 read.

Mr. Eaton moved to amend by inserting after the word "cotton," the word "tobacco" in the ninth line, and it was adopted.

Mr. Howard, to amend by striking out the words "one-half of," and it was not agreed to.

Section 20 was read.

Mr. Eaton, to amend as follows: In first line after the word "cotton," insert "tobacco," and it was agreed to.

Sections 21 and 22 were read and adopted.

Section 23 read.

Mr. Joyce moved to amend as follows: after the word "ordinance" in 23d line, add "who shall enter in bond as aforesaid," and it was agreed to.

Section 24 read.



Mr. Wright moved to amend as follows: after "1865," in the 14th line, add, "that all sums that may have been secured by any Sheriff or Clerk of any court in the name of the State as taxes, fines, forfeitures, or otherwise, shall, if secured by the Clerk, be paid to the Sheriff; and all such sums shall be entered in the statement to be filed by the Sheriff as aforesaid," and the amendment was adopted.

Section twenty-five was read and adopted.

Section twenty-six was read:

Mr. Boyden moved to amend by striking out "six" in the second line, and inserting "four."

Mr. Caldwell, of Burke, to amend the amendment as follows: Strike out of line 2, the words "six per cent" and insert "less six per cent where the amount collected is under \$1,000; five per cent where the amount is over \$1,000 and under \$2,000; and four per cent where the amount is over \$2,000," and it was adopted.

The amendment as amended was then agreed to.

Section twenty-seven was read and adopted.

Section twenty-eight was read:

Mr. McRae moved to strike out "200" and insert "500," and it was agreed to.

The ordinance as amended then passed the second reading.

On motion of Mr. Phillips, the Convention adjourned to 10 o'clock to-morrow morning.

---

## TUESDAY, OCTOBER 17TH, 1865.

The Convention met pursuant to adjournment.

The Journal of the morning and evening sessions of yesterday, was read and adopted.

Mr. Dick, one of the delegates from Guilford, who has been detained at home by illness, appeared, was qualified, and took his seat in the Convention.

Mr. Donnell, from the committee on constitutional amendments, reported back several resolutions and ordinances,



which have been disposed of by the Convention in various ways, and asked to be discharged from further consideration of the same.

Mr. Winburne, from the committee to report what subjects on the calender should be considered at the present session of the Convention, and to recommend a day for adjournment, reported the following ordinances and resolutions to be acted on, and recommended that the Convention shall adjourn on Thursday next, the 19th inst., at five o'clock, a. m. :

(No. 18.) Declaring what laws and ordinances are in force.

(No. 21.) Resolution of thanks to the President of the United States, and to the Provisional Governor of this State.

(No. 39.) Resolution concerning the enrollment of the ordinance declaring null and void the ordinance of secession.

(No. 50.) Ordinance in relation to late officers in the State.

(No. 45.) Ordinance to provide for the payment of the State debt contracted before the war.

Resolutions 57, 58 and 59.

(No. 68.) Resolution to constitute a commission to prepare and report to the Legislature a code of laws on the subject of freedmen.

(No. 69.) Resolution in regard to certain prisoners.

(No. 81.) An ordinance to protect the rightful owners of property.

(No. 83.) Ordinance for the enrollment of the ordinance abolishing slavery.

(No. 84.) Resolution concerning the transmission of certain documents to the President of the United States.

(No. 86.) Ordinance to provide revenue.

Mr. Howard, from the select committee on that subject, reported :

(No. 95.) An ordinance to organize a temporary force for the preservation of law and order.

Mr. Ferebee moved to make this ordinance the special order for 11 o'clock, a. m., to-morrow, and the motion prevailed.

Mr. Boyden moved to take up and consider the report of



the committee on the calendar, handed in this morning. The motion prevailed, and the report was concurred in.

Mr. Eaton asked that the rule be suspended and the resolution (No. 84,) be taken up for consideration, and it was agreed to.

The resolution was read and adopted after being amended by Mr. Eaton, as follows: Strike out the first eleven lines of the printed resolution, and insert the following in lieu thereof, "That the President of the Convention be requested to forward to the President of the United States, a copy of the Declaration of Rights, of the Constitution of North-Carolina, of all the Amendments to the said Constitution which were adopted prior to the 20th of May, in the year of our Lord one thousand eight hundred and sixty; and also a copy of the ordinance of this Convention, entitled 'an ordinance to declare null and void the ordinance of May 20th, 1861,' and the ordinance abolishing slavery."

Mr. Rumley moved to suspend the rule and take up (No. 75,) resolution in regard to discharged United States soldiers who are citizens of North-Carolina, and it was not agreed to.

Mr. Clark from the committee on enrollments, reported as correctly enrolled the following: An ordinance providing for the election of two members of the House of Commons from the county of Cumberland and one from the county of Harnett; an ordinance upon resignations and vacancies; an ordinance to give publicity to the ordinances ordering elections on the second Thursday of November next; an ordinance submitting to the qualified voters of the State the ratification or rejection of certain ordinances; resolution concerning the Test Oath; resolution upon the public records, and a resolution in regard to a recess of the Convention, and the same were ratified in open Convention.

The unfinished business on the Calendar was taken up, but before any action was had, the Convention proceeded to the consideration of the special order, being (No. 18,) an ordinance declaring what laws and ordinances are in force, on its third reading.



The question was on the amendments of Mr. Caldwell of Burke.

Mr. Phillips moved to amend the amendment as follows: Strike out in the 1st and 2d lines of the printed bill the words "a civil or military officer," and insert "in the civil or military service," and it was agreed to.

Mr. Moore, of Wake, asked for a separate vote on the amendments, and the question being put on the first clause of the amendment as amended, it was adopted.

The question was then on the second clause of the amendment.

On this Mr. Faison asked the yeas and nays, and the same being ordered, the amendment was not agreed to, yeas 32, nays 80.

Those who voted in the affirmative, are,

Messrs. Boyden, Bradley, Bryan, Caldwell of Burke, Caldwell of Guilford, Dick, Dockery, Donnell, Ellis, Gahagan, Garland, Garrett, Harris of Guilford, Haynes, Henry, Jackson, Jones of Rowan, Joyce, King, Logan, Love of Chatham, McDonald of Chatham, McDonald of Moore, Moore of Chatham, Patterson, Pool, Rush, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Thompson, Williams—32.

Those who voted in the negative, are,

Messrs. Adams, Alexander, Allen, Baines, Baker, Barrow, Beam, Bell, Berry, Bingham, Brickell, Brown, Brooks, Burgin, Buxton, Clark, Conigland, Cowper, Dickey, Eaton, Faircloth, Faison, Faulkner, Ferebee, Furches, Gilliam, Godwin, Grissom, Harris of Rutherford, Henrahan, Hodge, Howard, Jarvis, Johnston, Jones of Columbus, Jones of Davidson, Jones of Henderson, Joyner, Kelly, Kennedy, Love of Jackson, Lyon, Manly, McCauley, McCleese, McCorkle, McKoy of Sampson, McKay of Harnett, McGehee, McIver, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Wake, Murphy, Nicholson, Norfleet, Odom, Perkins, Phillips, Polk, Rumley, Russell, Saunders, Simmons, Smith of Anson, Spencer of Hyde, Starbuck, Stephenson, Stewart, Stubbs, Walkup, Ward, Willey, Wilson, Winburne, Winston, Wright—80.



Mr. Moore, of Wake, moved to amend sec. 6 as follows: "*Provided, however,* That in all cases of appointments made by him of Directors in any corporation, they shall continue until the regular elections of its officers," and the amendment was adopted.

Mr. Starbuck moved to amend, by inserting in the 11th line, between the words "damages" and "on" the words "or from indictment," and add the proviso, "That no order issued without authority of what purported to be a law of the State or Confederate States, shall be any protection to illegal acts done thereunder," and the amendments were adopted.

Mr. Faulkner, to amend, by striking out in section 5, all after the word "State" in the 5th line, to the word "authority" in the 8th line inclusive, but after some discussion withdrew it by consent.

Mr. Pool moved to amend, by striking out of the 4th and 5th lines of 5th section, the words "any authority purporting," and insert the words "what purported," and it was not agreed to.

Mr. Pool moved to amend, by striking out section 5, and inserting as follows: "No person who have aided in the passage or execution of any law of the State of North-Carolina or of the Confederate States, shall be held liable to indictment or civil action for such aid, because of the fact only that such law was void on account of its being in contravention of the Constitution of the State or of the United States."

Mr. Phillips, to amend the amendment as follows: "That this section, as at present amended, stand as the sense of the Convention.

On this question Mr. Love, of Jackson, asked the yeas and nays, and the same being ordered, the amendment was adopted, yeas 88, nays 18.

Those who voted in the affirmative, are,

Messrs. Adams, Alexander, Allen, Baines, 'Baker, Beam, Bell, Berry, Bingham, Bradley, Brickell, Brown, Burgin, Buxton, Clark, Conigland, Cowper, Dickey, Eaton, Faircloth, Faison, Ferebee, Furches, Gilliam, Godwin, Grissom, Harris



of Guilford, Haynes, Henrahan, Hodge, Howard, Jarvis, Johnston, Jones of Columbus, Jones of Davidson, Joyce, Joyner, Kelly, Kennedy, King, Logan, Love of Chatham, Love of Jackson, Lyon, Manly, McCauley, McCleese, McCorkle, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIver, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, Murphy, Nicholson, Norfleet, Odom, Perkins, Phillips, Polk, Rumley, Russell, Rush, Saunders, Simmons, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencér of Hyde, Starbuck, Stephenson, Stubbs, Swan, Walkup, Ward, Willey, Wilson, Winburne, Winston, Wright—88.

Those who voted in the negative, are,

Messrs. Boyden, Bryan, Caldwell of Burke, Caldwell of Guilford, Donnell, Faulkner, Gahagan, Garland, Garrett, Jackson, Jones of Henderson, Jones of Rowan, Patterson, Pool, Sloan, Spencer of Montgomery, Stewart, Thompson—18.

Mr. Moore, of Wake, offered the following amendment: Insert in place of section 7, that has been stricken out on the second reading, "All men and women of those persons lately regarded as slaves, and now emancipated, who, on the first day of January, eighteen hundred and sixty-six, shall be publicly, and of their own free will and consent, cohabiting together as husband and wife, and theretofore for the space of six months shall have so cohabited in that relation, shall be deemed to have been lawfully married from the time of their cohabitation, and the issue born of such cohabitation shall be deemed to have been born in lawful wedlock and legitimate from their birth; and all persons whose cohabitation is hereby ratified into a state of marriage, may go before the clerks of the Courts of Pleas and Quarter Sessions of the counties in which they shall respectively reside, and acknowledge the fact of their cohabitation and the time of its commencement, and the clerk shall enter the same in a book kept for that purpose, and the entry shall be deemed a record."



*Be it further ordained,* That the above section of this ordinance shall be published semi-weekly for six weeks, in the following newspapers: The Asheville News, Charlotte Democrat, Union Banner, North-Carolina Standard, Fayetteville News, Newbern Times and Wilmington Herald.

Mr. Nat. McLean moved to take a recess until 7 o'clock this evening, and it was not agreed to.

The question was on the amendment of Mr. Moore, of Wake, on which Mr. Phillips asked the yeas and nays, and the same being ordered, the amendment was not adopted, yeas 20, nays 79.

Those who voted in the affirmative, are,

Messrs. Alexander, Baines, Barrow, Bell, Burgin, Conigland, Faulkner, Garland, Garrett, Hodge, Kennedy, McCorkle, McDonald of Chatham, Moore of Wake, Odom, Russell, Smith of Johnston, Stewart, Winburne, Winston—20.

Those who voted in the negative, are,

Messrs. Adams, Baker, Berry, Bingham, Boyden, Bradley, Brown, Bryan, Buxton, Caldwell of Burke, Caldwell of Guilford, Clark, Cowper, Dick, Dickey, Eaton, Ellis, Faircloth, Faison, Ferebee, Furches, Gahagan, Gilliam, Godwin, Grissom, Harris of Guilford, Haynes, Howard, Jackson, Jones of Columbus, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, Kelly, King, Logan, Love of Chatham, Love of Jackson, Lyon, Manly, McCauley, McCleese, McKoy of Sampson, McKay of Harnett, McDonald of Moore, McGeehee, McIver, N. A. McLean, N. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Murphy, Nicholson, Norfleet, Patterson, Perkins, Phillips, Polk, Rush, Saunders, Simmons, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Stubbs, Swan, Walkup, Ward, Willey, Williams, Wilson, Wright—79.

Mr. Starbuck offered to amend as follows: "*Provided,* That this presumption contained in this section, that all contracts are solvable in Confederate money, shall not apply to contracts entered into in the county of Forsythe."



The President announced the following committee on Missing Records: Messrs. Buxton, Norfleet, Starbuck, Allen and Faircloth.

Then, on motion of Mr. Phillips, the Convention took a recess until 7 o'clock this evening.

---

—  
EVENING SESSION—TUESDAY OCT. 17TH, 1865.

The Convention met at 7 o'clock.

The unfinished business of the morning session was resumed. The question being on the amendment of Mr. Starbuck to the ordinance (No. 18,) declaring what laws and ordinances are in force.

Mr. Moore, of Wake, raised the point of order, that the amendment is inconsistent with the former action of the Convention.

The President decided adversely to the point of order.

Mr. Moore, of Wake, appealed from the decision, and the question being put, the decision of the Chair was sustained.

The question was then put on the amendment, and it was not adopted.

Mr. Moore, of Wake, then moved to amend as follows: That it is the sense of the Convention that section 3 stand as it is.

Mr. Logan to amend the amendment, "that all contracts, executory and executed of every nature and kind made between the 20th May, 1861, and the 20th May, 1865, solvable in money, no presumption shall arise in favor of either the plaintiff or defendant, but parol testimony may be admitted as to the contract or as to the custom of the country respecting such contracts at the time entered into."

Mr. Moore, by consent, withdrew his amendment, which carried the amendment to the amendment with it.

Mr. Phillips then offered the following: *Provided*, That in case the plaintiff in any suit upon such contracts will make an affidavit that it was solvable in other currency than that



above referred to, then such presumption shall cease and it shall be presumed to be payable in such currency as shall be mentioned in the affidavit, subject to explanation by evidence, as aforesaid," and the amendment was adopted.

The ordinance, as amended, then passed the third reading and was ordered to be enrolled.

Mr. Moore, of Wake, from the committee to which was referred (No. 94) an ordinance to protect the rightful owners of property, reported back the ordinance with amendments.

He moved to suspend the rules and put the ordinance on its several readings at this time and the motion prevailed.

The ordinance was then read the second and third times, passed and ordered to be enrolled.

Mr. Moore, of Wake, offered the following resolution, which was adopted under a suspension of the rules.

*Resolved*, That the ordinance to protect the rightful owners of property, be published forthwith by the public printer, and the published copy thereof shall be evidence of the ordinance.

Mr. Smith, of Wilkes, introduced (No. 97,) an ordinance for the removal of obstructions in Yadkin River, which passed the first reading.

Mr. Johnston asked and obtained leave of absence from and after to-morrow.

#### UNFINISHED BUSINESS.

(No. 50.) An ordinance to declare vacant certain offices, was taken up on the third reading.

Mr. Conigland offered a substitute for the ordinance.

Mr. Moore, of Wake, to amend the amendment, by striking out and inserting a substitute.

After some debate on these amendments,

Mr. Phillips moved to postpone the further consideration, and make the ordinance the special order for to-morrow 1 o'clock, p. m., and the motion was agreed to.

(No. 86.) An ordinance to raise revenue was then read third time.



Mr. McGehee moved to strike out the proviso to section 13, and the motion prevailed.

Mr. Furches, to amend 3d section, by striking out "twenty-five," and inserting "ten;" and it was not adopted.

Mr. Spencer, of Montgomery, to amend 11th section, 2d line, by striking out "seventy-five dollars," and insert "one per cent. on the amount of sales since the 1st of January, 1865;" and it was not adopted.

Mr. Wright, to amend 11th section, by adding the following: *Provided however*, That if any such retailer shall, on or before the 1st day of November next, have altogether ceased to retail as aforesaid, and shall not again so retail during the year, in all such cases such retailer shall pay a tax of but forty dollars; and it was agreed to.

Mr. Jones, of Davidson, moved to amend by striking out of section 2, line 6, the word "one," and insert "five," and at the beginning of line 7, strike out "thousand" and insert "hundred," and it was not adopted.

Mr. Starbuck moved to amend sec. 2, line 4, after the word "broker," the following "owner of a cotton or woollen factory, except when such factory has been destroyed," and it was adopted.

Mr. Sloan, to amend 15th section, 4th line, by striking out "one" and insert "two," and it was not agreed to.

The ordinance as amended then passed the third reading, and was ordered to be enrolled.

Then on motion of Mr. Ferebee, the Convention adjourned to 10 o'clock to-morrow morning.

---

### WEDNESDAY, OCTOBER 18TH, 1865.

The Convention met pursuant to adjournment. Prayer by Rev. J. M. Atkinson, of the Presbyterian Church.

The journal of yesterday was read and adopted.

The President stated to the Convention that, in obedience to a resolution of the Convention, adopted at an early day of



the session, he had endeavored to procure a flag for the Capitol, but had not been able to succeed.

Mr. Furches introduced,

(No. 98.) Resolution in regard to government horses; which was read and adopted under a suspension of the rule, after being amended on motion of Mr. Smith, of Johnston, by inserting the word "mules" after the word "horses."

#### UNFINISHED BUSINESS.

(No. 21.) Resolution of thanks to President Johnston and Governor Holden was read, the amendment of the committee was agreed to, and, as amended, the resolution was adopted.

(No. 39.) Resolution concerning the enrollment of the ordinance declaring the ordinance of secession null and void, was read and adopted.

(No. 45.) An ordinance to provide for the payment of the State debt contracted before the war.

Mr. Caldwell, of Guilford, moved to lay the ordinance on the table, and on the motion asked the yeas and nays; and the same being ordered, the motion prevailed, yeas 59, nays 40.

Those who voted in the affirmative are:

Messrs. Alexander, Allen, Berry, Bradley, Brickell, Brown, Bryan, Buxton, Caldwell, of Guilford, Conigland, Dick, Dickey, Dockery, Eaton, Ellis, Faircloth, Faison, Ferebee, Furches, Gahagan, Garland, Garrett, Grissom, Harris of Guilford, Haynes, Henrahan, Hodge, Howard, Joyce, Joyner, Kennedy, Logan, Love of Chatham, Manly, McCauley, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McIver, N. A. McLean, Nat. McLean, Mebane, Moore of Chatham, Murphy, Nicholson, Norfleet, Patterson, Perkins, Phillips, Polk, Settle, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Starbuck, Ward, Willey, Wilson and Wright—59.



Those who voted in the negative, are,

Messrs. Adams, Baines, Barrow, Bell, Boyden, Brooks, Calwell of Burke, Clark, Cowper, Donnell, Faulkner, Godwin, Jackson, Jarvis, Jones of Columbus, Jones of Rowan, Kelly, King, Love of Jackson, McCorkle, McGehee, McLaughlin, McRae, Moore of Wake, Odom, Pool, Rumley, Russell, Rush, Simmons, Smith of Johnston, Spencer of Montgomery, Stephenson, Stewart, Stubbs, Thompson, Warren, Williams, Winburne, Winston—40

The hour of 11 o'clock having arrived, the special order (No. 95) an ordinance to organize a temporary force for the preservation of law and order, was taken up, passed the second reading, then passed the third reading under a suspension of the rule, and was ordered to be enrolled.

(No. 56.) Resolution to appoint a committee to report how much of the late war debt was for war purposes, was read.

Mr. Brooks moved to lay the resolution on the table, and the motion prevailed.

(No. 57.) Resolution inquiring of the Public Treasurer concerning the amounts that have been expended for corn, &c, was read and adopted.

(No. 58.) Resolution calling on the Governor for copies of certain acts of the General Assembly passed in secret session, read and adopted.

(No. 59.) Resolution requesting the President to proclaim the people of North Carolina restored to their rights and privileges under the Constitution and the Union, read and adopted.

(No. 69.) Resolution requesting the Governor to correspond with the President of the United States with regard to officers and citizens confined by the military authorities in Raleigh and Wilmington, North-Carolina, was read

Mr. Brooks moved to amend by inserting after the word "to" in the 4th line the words, "Maj Willis Sanderlin, now confined by the military authorities in the town of Newbern."



The amendment was agreed to, and as thus amended, the resolution was adopted.

(No. 68.) Resolution for appointing a commission to frame a code of laws for the Freedmen, was read and adopted.

(No. 83.) Resolution concerning the enrollment of the ordinance prohibiting slavery in North-Carolina was read.

Mr. Smith, of Johnston, moved to lay the resolution on the table, and the motion prevailed.

(No. 97.) Ordinance to remove obstructions from Yadkin river, was read the second time.

Mr. Phillips moved to lay the ordinance on the table, and the motion prevailed.

(No. 81.) An ordinance to appoint a judge to determine State claims to property, was read and passed the second reading.

Mr. Moore, of Wake, moved that the rules be suspended and the ordinance put upon its third reading to-day.

The motion prevailed, the ordinance was read the third time, passed and ordered to be enrolled.

The committee on enrollments reported as correctly enrolled : an ordinance to provide Revenue for the year 1865 ; an ordinance to protect the owners of property and for other purposes, a resolution to transmit certain documents to the President of the United States, and a resolution to publish a certain ordinance, and the same were ratified in open Convention.

There being no further unfinished business on the Calendar, at the hour of 12 o'clock the special order set for one o'clock was taken up, being (No. 50,) the ordinance in relation to the late officers of the State, the question being on the amendment of Mr. Moore, of Wake, to the amendment of Mr. Conigland.

Pending the discussion.

The President announced a message from His Excellency, Gov. Holden, transmitting a dispatch from the President of the United States, which was read.

After some discussion of the subject under consideration.



Mr. Settle moved to postpone the subject until 7 o'clock this evening, and the motion prevailed.

Mr. Sloan moved to reconsider the vote of yesterday, fixing the day of adjournment.

Mr. Cowper asked the yeas and nays, and the motion to reconsider prevailed, yeas 78, nays 25.

Those who voted in the affirmative are,

• Messrs. Adams, Alexander, Baines, Baker, Barrow, Beam, Bell, Bingham, Boyden, Brickell, Brown, Brooks, Bryan, Burgin, Buxton, Caldwell of Burke, Dick, Dickey, Dockery, Donnell, Eaton, Ellis, Faircloth, Faulkner, Furches, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Rutherford, Haynes, Henrahan, Henry, Hodge, Jackson, Jones of Columbus, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Kelly, King, Love of Jackson, Lyon, Manly, McCauley, McCorkle, McKay of Harnett, McDonald of Moore, McGehee, McIver, N. A. McLean, Nat. McLean, Mebane, Moore of Wake, Nicholson, Norfleet, Odom, Perkins, Phillips, Polk, Pool, Rush, Settle, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Stephenson, Stewart, Stubbs, Thompson, Walkup, Ward, Warren, Williams—78.

Those who voted in the negative are :

Messrs. Berry, Caldwell of Guilford, Clark, Cowper, Faison, Ferebee, Harris of Guilford, Jarvis, Joyner, Kennedy, Logan, Love of Chatham, McKoy of Sampson, Moore of Chatham, Patterson, Russell, Saunders, Simmons, Smith of Johnston, Starbuck, Willey, Wilson, Winburne, Winston, Wright—25.

The question then being on the resolution to adjourn on Thursday morning at 5 o'clock.

Mr. Sloan moved to lay the same on the table, and the motion prevailed.

Then on motion of Mr. Jones of Rowan, the Convention took a recess until this evening at 7½ o'clock.



EVENING Session—WEDNESDAY, Oct. 18th, 1865.

The Convention met pursuant to adjournment.

Mr. Lyon offered a resolution, that debate be limited to thirty minutes.

Mr. Phillips introduced (No. 99) an ordinance in relation to the deposit and publication of the ordinances, &c., of the Convention.

He moved that the rule be suspended and the ordinance be put upon its several readings at the present time, and the motion prevailed. The ordinance was then read and passed the several readings, and was ordered to be enrolled.

By the same,

(No. 100.) An Ordinance providing for compensation to Sheriffs for holding elections for delegates to this Convention.

He moved that the rules be suspended and the ordinance put upon its several readings at the present time. The motion prevailed, the ordinance was then read, passed the several readings, and was ordered to be enrolled.

Mr. Lyon's resolution was then taken up and read.

Mr. Logan moved to amend as follows: that no member of this Convention shall speak more than once on the same subject, nor longer than fifteen minutes, and the amendment was agreed to.

The resolution as amended was then adopted.

Mr. Lyon, for the committee in regard to missing records, made a report that certain letter books had been taken from the Executive office by the military authorities. Report lies over under the rule.

Mr. Wright, from the select committee on the petition of Theodore Hughes, reported in part, and asked further time. The report lies over under the rule.

The consideration of the unfinished business was then resumed, the question being on the amendment offered by Mr. Moore, of Wake, to the substitute of Mr. Conigland for (No. 50) an ordinance in relation to the late officers in the State.

The amendment of Mr. Moore, of Wake, was adopted.



The question was then on the amendment of Mr. Conigland as amended, and it was adopted.

The question was then on the final passage of the ordinance as amended.

Mr. Caldwell, of Burke, asked the yeas and nays, and the same being ordered, the ordinance passed its third reading, yeas 86, nays 12.

Those who voted in the affirmative are,

Messrs. Adams, Alexander, Allen, Baines, Baker, Barrow, Beam, Bell, Berry, Bingham, Boyden, Bradley, Brickell, Brown, Brooks, Bryan, Burgin, Caldwell of Burke, Caldwell of Guilford, Cowper, Dick, Dickey, Dockery, Ellis, Faircloth, Faulkner, Furches, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Kelly, Kennedy, King, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCleese, McKay of Harnett, McDonald of Chatham, McIver, Nat. McLean, McLaughlin, McRae, Moore of Wake, Nicholson, Norfleet, Odom, Patterson, Phillips, Polk, Russell, Rush, Saunders, Settle, Simmons, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Stubbs, Swan, Thompson, Walkup, Ward, Willey, Williams, Wilson, Winburne, Winston—86.

Those who voted in the negative are,

Messrs. Conigland, Eaton, Faison, Ferebee, Jarvis, Joyner, McCorkle, McKoy of Sampson, N. A. McLean, Mebane, Murphy, Wright—12.

Mr. Settle moved to take up (No. 35,) an ordinance recognizing the just debts of North-Carolina and prohibiting the payment of all debts contracted or incurred in aid of the rebellion, and the motion prevailed.

The question was on the substitute offered by Mr. Moore, of Wake.

Mr. Grissom offered an amendment to the amendment in form of a substitute.

Mr. Boyden moved to lay the whole subject on the table.



On this motion Mr. Settle asked the yeas and nays, which being ordered, resulted yeas 24, nays 81.

Those who voted in the affirmative, are,

Messrs. Berry, Boyden, Brickell, Caldwell of Guilford, Congland, Cowper, Eaton, Faircloth, Faison, Ferebee, Harris of Guilford, Jones of Rowan, Joyner, Kennedy, McKoy of Sampson, McGehee, Murphy, Norfleet, Patterson, Russell, Starbuck, Willey, Winston and Wright—24.

Those who voted in the negative are,

Messrs. Adams, Alexander, Allen, Baines, Baker, Barrow, Beam, Bell, Bingham, Bradley, Brown, Brooks, Bryan, Burgin, Buxton, Caldwell of Burke, Clark, Dick, Dickey, Dockery, Ellis, Faulkner, Furches, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Rutherford, Haynes, Henrahan, Henry, Hodge, Jackson, Jarvis, Jones of Columbus, Jones of Davidson, Jones of Henderson, Joyce, Kelly, King, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCreese, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McIver, N. A. McLean, Nat McLean, McLaughlin, McRae, Mebane, Moore of Wake, Nicholson, Odom, Phillips, Polk, Rush, Saunders, Settle, Simmons, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Montgomery, Stephenson, Stewart, Stubbs, Swan, Thompson, Walkup, Ward, Warren, Williams, Wilson, and Winburne—81.

The question recurred on the amendment of Mr Grissom

The Committee on Enrollments reported as correctly enrolled ordinances and resolutions as follows: Resolution enquiring of the Public Treasurer what amounts have been expended for the relief of the families of indigent soldiers, for the purchase of corn for the use of the counties, and for the salt works, and in what currency these disbursements were made; resolution concerning the enrollment of the ordinance to declare null and void the ordinance of secession; resolutions requesting the President to proclaim the people of North-Carolina restored to their rights and privileges under the Constitution and Union; resolution calling on the Governor for copies of certain acts of the General Assembly passed in



secret session ; an ordinance appointing a judge to determine State claims to property ; an ordinance declaring what laws and ordinances are in force, and for other purposes ; resolution with regard to government horses and mules ; a resolution to constitute a commission to prepare and report to the legislature a code of laws on the subject of freedmen ; resolution of thanks to President Johnson and Governor Holden ; and an ordinance to organize a temporary force for the preservation of law and order.

Mr. Caldwell, of Burke, asked that the Committee on Enrollments be discharged and another committee appointed on that subject, and it was not agreed to.

Then, on motion of Mr. Warren, the Convention adjourned to 10 o'clock to-morrow morning.

---

#### THURSDAY, OCTOBER 19TH, 1865.

The Convention met pursuant to adjournment.

The journal of yesterday was read and adopted.

A number of ordinances and resolutions, reported by the committee on enrollments at the last session, were ratified in open Convention.

The consideration of (No. 33) under debate at the adjournment last evening, was resumed, the question being on the amendment offered by Mr. Grissom.

Mr. Grissom withdrew his amendment by consent.

Mr. McIver introduced an amendment to the amendment of Mr. Moore, of Wake, in the form of a substitute.

On this amendment Mr. Polk asked the yeas and nays, and the same being ordered, the amendment was not adopted, yeas 38, nays 63.

Those who voted in the affirmative, are,

Messrs. Alexander, Allen, Baker, Beam, Brown, Burgin, Caldwell of Guilford, Dockery, Donnell, Furches, Godwin, Grissom, Harris of Rutherford, Henrahan, Henry, Jackson, Jones of Columbus, Joyce, Kennedy, Logan, Lyon, McCau-



ley, McKay of Harnett, McDonald of Moore, McIver, N. A. McLean, Nat. McLean, Perkins, Polk, Rush, Simmons, Smith of Anson, Smith of Johnston, Spencer of Montgomery, Swan, Walkup, Ward, Winburne—38.

Those who voted in the negative are,

Messrs. Adams, Baines, Barrow, Bell, Berry, Boyden, Bradley, Brickell, Brooks, Bryan, Buxton, Caldwell of Burke, Clark, Conigland, Cowper, Dick, Dickey, Donnell, Eaton, Ellis, Faircloth, Faison, Faulkner, Gahagan, Garland, Garrett, Haynes, Hodge, Jones of Davidson, Jones of Henderson, Jones of Rowan, King, Love of Jackson, Manly, McCleese, McCorkle, McKoy of Sampson, McLaughlin, McKrae, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Phillips, Pool, Runley, Russell, Saunders, Settle, Sloan, Smith of Wilkes, Spencer of Hyde, Starbuck, Stephenson, Stewart, Stubbs, Thompson, Warren, Willey, Winston and Wright—62.

Mr. Caldwell, of Guilford, offered an amendment to the pending amendment of Mr. Moore in the form of a substitute, and the question being put thereon, it was not adopted.

The question was then put on the amendment of Mr. Moore of Wake, and it was not adopted.

The question recurred on the passage of the ordinance on the second reading.

Mr. Adams moved to amend 2d sec., 3d line, by striking out the words "directly or indirectly," and it was not adopted, ayes 42, noes 44.

Mr. Starbuck offered a proviso, to the effect that the Legislature may provide that loyal citizens shall receive compensation for means furnished the State not in aid of the rebellion, and it was not adopted.

Mr. Odom moved to amend, by adding sections providing for submitting the ordinance to the people for ratification or rejection, and it was not adopted.

Mr. Jones, of Columbus, asked that the vote be taken on the two sections separately, and it was so ordered, and the question was on the first section.



On this Mr. Polk asked the yeas and nays, and the same being ordered, the first section passed the second reading, yeas 90, nays 14.

Those who voted in the affirmative are,

Messrs. Adams, Allen, Baines, Baker, Barrow, Bell, Berry, Bingham, Boyden, Bradley, Brickell, Brown, Brooks, Bryan, Burgin, Buxton, Caldwell of Burke, Clark, Conigland, Cowper, Dick, Dickey, Dockery, Donnell, Ellis, Faircloth, Faulkner, Gahagan, Garland, Garrett, Godwin, Grissom, Haynes, Henry, Hodge, Jackson, Jones of Columbus, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyee, Kelly, Kennedy, King, Love of Jackson, McCauley, McCleese, McCorkle, McKay of Harnett, McDonald of Moore, McGehee, McIver, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Murphy, Nicholson, Norfleet, Odem, Patterson, Phillips, Pool, Russell, Rush, Saunders, Settle, Simmons, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Stubbs, Swan, Thompson, Walkup, Ward, Warren, Willey, Williams, Wilson, Winburne, Winston, Wright—90.

Those who voted in the negative, are,

Messrs. Caldwell of Guilford, Eaton, Faison, Furches, Harris of Guilford, Harris of Rutherford, Henrahan, Joyner, Logan, Lyon, McKoy of Sampson, Perkins, Polk, Smith of Anson—14.

Mr. Moore, of Wake, asked a division of the second section, and that the vote be taken on the first clause of the section to the word "void," and it was not agreed to.

On the passage of the second section, Mr. Sloan asked the yeas and nays, and the same being ordered, resulted, yeas 84, nays 12.

Those who voted in the affirmative are,

Messrs. Adams, Alexander, Allen, Baines, Baker, Barrow, Beam, Bell, Bingham, Bradley, Brown, Brooks, Bryan, Burgin, Buxton, Caldwell of Burke, Clark, Dick, Dickey, Dockery, Donnell, Ellis, Faircloth, Faulkner, Furches, Gahagan,



Garland, Garrett, Godwin, Grissom, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Jones of Columbus, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Kelly, Kennedy, King, Logan, Love of Jackson, Lyon, McCauley, McCleese, McCorkle, McKay of Harnett, McDonald of Moore, McIver, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Murphy, Nicholson, Norfleet, Odom, Perkins, Phillips, Polk, Pool, Russell, Rush, Saunders, Settle, Simmons, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Stephenson, Stewart, Stubbs, Swan, Thompson, Walkup, Ward, Warren, Williams, Wilson and Winburne—84.

Those who voted in the negative, are,

Messrs. Berry, Brickell, Caldwell of Guilford, Conigland, Cowper, Eaton, Faison, Harris of Guilford, Henrahan, McKoy of Sampson, Starbuck, Willey and Wright—12.

Messrs. Joyner, Moore of Wake, Patterson and Winston were excused from voting.

The ordinance was announced as having passed the second reading.

Mr. Settle moved to suspend the rule and put the ordinance on the third reading at the present time.

The motion was agreed to, and the ordinance was read the third time.

Mr. Grissom moved an amendment, submitting the second section to the people for ratification or rejection.

Mr. Caldwell, of Guilford, moved to amend the amendment by striking out the words, "the second section," so as to submit the whole ordinance to the people, and the amendment was not agreed to.

The question was then on the amendment of Mr. Grissom, and it was adopted, yeas 78, nays 21.

Those who voted in the affirmative are :

Messrs. Adams, Allen, Baker, Beam, Bell, Berry, Boyden, Brickell, Brown, Brooks, Bryan, Burgin, Buxton Caldwell of Burke, Clark, Conigland, Cowper, Dick, Dickey, Ellis,



Furches, Gahagan, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Henrahan, Henry, Hodge, Jones of Columbus, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, Kelly, King, Logan, Love of Jackson, Lyon, McCauley, McCleese, McKay of Harnett, McDonald of Moore, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Murphy, Nicholson, Odom, Perkins, Polk, Pool, Russell, Saunders, Settle, Simmons, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Starbuck, Stephenson, Stewart, Stubbs, Swan, Thompson, Walkup, Ward, Warren, Willey, Williams, Wilson, Winburne, Wright—78.

Those who voted in the negative, are,

Messrs. Alexander, Baines, Barrow, Bingham, Bradley, Caldwell of Guilford, Donnell, Eaton, Faircloth, Faison, Faulkner, Garland, Haynes, Jackson, Kennedy, McCorkle, McIver, Norfleet, Rush, Spencer of Montgomery—21.

Mr. Settle moved to reconsider the last vote.

On this question Mr. Caldwell, of Guilford, asked the yeas and nays, and the same being ordered, the Convention agreed to reconsider, yeas 50, nays 47.

Those who voted in the affirmative, are,

Messrs. Baines, Barrow, Berry, Bingham, Bradley, Bryan, Burgin, Caldwell of Guilford, Donnell, Faircloth, Faison, Faulkner, Gahagan, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Haynes, Hodge, Jackson, Jones of Columbus, Joyce, Joyner, Kelly, Kennedy, King, Logan, McCauley, McCleese, McKay of Harnett, McDonald of Moore, McIver, Nat. McLean, McRae, Moore of Chatham, Perkins, Phillips, Rush, Settle, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stewart, Ward, Williams, Wilson, Winburne, Winston and Wright—50.

Those who voted in the negative, are,

Messrs. Adams, Alexander, Baker, Beam, Bell, Boyden, Brickell, Brown, Brooks, Buxton, Caldwell of Burke, Clark, Conigland, Cowper, Dick, Dickey, Dockery, Ellis, Furches, Godwin, Grissom, Henrahan, Henry, Jarvis, Jones of David-



son, Jones of Henderson, Jones of Rowan, Love of Jackson, Lyon, N. A. McLean, McLaughlin, Moore of Wake, Murphy, Nicholson, Odom, Polk, Pool, Russell, Saunders, Simmons, Smith of Anson, Smith of Johnston, Stephenson, Stubbs, Walkup, Warren and Willey—47.

The question was then on the amendment of Mr. Grissom.

On motion, the Convention took a recess until 7½ o'clock this evening.

---

#### EVENING SESSION—THURSDAY OCT. 19TH, 1865.

The Convention met at 7½ o'clock.

Mr. Moore, of Wake, introduced (No. 101) an ordinance to give jurisdiction to the Courts of Pleas and Quarter Sessions, and moved to suspend the rule and put the ordinance on its several readings at the present time.

The motion prevailed, the ordinance passed its several readings and was ordered to be enrolled.

Mr. Caldwell, of Burke, from the committee on enrollments reported as correctly enrolled, the following: Resolution requesting the Governor to correspond with the President of the United States with regard to officers and citizens confined by the military authorities in Newbern, Raleigh and Wilmington, North-Carolina; An Ordinance declaring vacant all the offices of the State in existence on the twentieth day of April, 1865; An Ordinance in relation to the deposit and publication of the ordinances and resolutions of the Convention; and an ordinance providing for compensation to sheriffs for holding elections for delegates to this Convention, and the same were ratified in open Convention.

The unfinished business of the morning session was then resumed, the question being on the amendment of Mr. Grissom to the ordinance in regard to the State debt.

Mr. Faison moved to amend the amendment by striking out "second" and inserting "both," and it was not agreed to.

Mr. Caldwell, of Burke, asked the yeas and nays on the



above vote, and they were not ordered by the necessary vote.

The question then being on the amendment, it was not adopted.

The ordinance then passed the third reading and was ordered to be enrolled.

By consent, the following protest was ordered to be spread upon the journal of the Convention :

*Protest of William Eaton, Jr., one of the delegates from Warren county, to the ordinance entitled "An Ordinance recognizing the just debts of North-Carolina, and prohibiting the payment of all public debts created or incurred in aid of the late rebellion."*

In giving my vote against the above entitled ordinance, I desire it to be understood that I have done so under the influence of a conviction that the Convention, especially, during its present session, should confine its action exclusively to such matters as may be indispensably necessary to return North-Carolina to her position in the Union, and to relieve her people from military rule. I do not regard the subjects embraced in the ordinance, to wit: the recognition of the anti-war debt, and the repudiation of the war debt, as belonging to that class; but I consider them to be mere ordinary subjects of Legislation. From the commencement of our session, and indeed, before, up to the present time, I have deemed it unwise and inexpedient for this Convention to take any action upon the subject of the State debts, and have thought, that it would be best to leave the whole subject in the hands of the General assembly, which will meet in a few weeks.

WM. EATON, JR.

We concur in the above and adopt it as our own.

JONATHAN HARRIS,  
ALLMAND A. McKOY,  
M. E. MANLY,  
WM. BAKER,  
D. F. CALDWELL,

D. D. FEREBEE,  
THOMAS I. FAISON,  
EDWARD CONIGLAND,  
JOHN T. KENNEDY,  
W. W. BRICKLE.



Mr. Warren introduced (No. 102) a resolution to provide for the printing and distributing tickets, which passed the several readings, under a suspension of the rules, and was ordered to be enrolled.

Mr. Love, of Jackson, moved to take up (No. 70) an ordinance amending the Constitution on the basis of representation, and the motion did not prevail.

Mr. Thompson offered the following, which was unanimously adopted, Mr. Phillips in the Chair:

*“Resolved, That the thanks of this body are due, and are hereby tendered to Hon. E. G. Reade, for the ability, impartiality and urbanity with which he has discharged the duties of President of the Convention.”*

The following ordinances and resolutions were reported by the committee on enrollments, as correctly enrolled, and the same were ratified in open Convention: Resolution to provide for the printing and distribution of tickets; an ordinance recognizing the just debts of North Carolina, and prohibiting the payment of all public debts created or incurred for the late rebellion; an ordinance to give jurisdiction to the provisional Courts of Pleas and Quarter Sessions, and the same were ratified in open Convention.

The President having resumed the Chair,

Mr. Wilson moved that the Convention do now adjourn to meet again on the 4th Thursday in May next, and the motion prevailed.

The President then said:

*Gentlemen of the Convention:*

Our work is finished. The breach in our government so far as the same was by force, has been overcome by force; and, so far as the same had the sanction of the legislature, the legislation has been declared null and void, so that there remains nothing to be done, except the withdrawal of military power, when all our governmental relations will be restored, without further asking on the part of the State, or giving on the part of the United States.

The element of slavery, which has so distracted and divided



the sections, has, by a unanimous vote, been abolished. Every man in the State is free. The reluctance which for a while was felt to the sudden and radical change in our domestic relation—a reluctance which was made oppressive to us by our kind feelings for the slave, and by apprehensions of the evils which were to follow him, has yielded to the determination to be to him, as we always have been, his best friend; to advise, protect, to educate and elevate him; to seek his confidence and to give him ours; and each occupying appropriate positions towards the other, to cherish for the past and cultivate for the future, those strong and mutual attachments which have been hallowed at the hearthstone, in the church, in the sick room, and at the grave.

It remains for us to return to our constituents and engage with them in the great work of restoring our beloved State to order and prosperity.

As long as I remember anything with pleasure, my heart will beat faster when I reflect, gentlemen, upon your kindness to me. You have honored me with your confidence and excused my imperfections. I have not to remember a single discourtesy.

I wish you a safe journey to your affectionate families, that your lives may be useful, honorable and happy, and that God may bless you.

He then declared the Convention adjourned to the fourth Thursday in May next, pursuant to the motion just passed.











# INDEX TO JOURNAL

OF

## STATE CONVENTION,

### 1865.

---

#### ELECTIONS.

	PAGE.
Election of President, .....	6
“ “ Principal Secretary, .....	6
“ “ Assistant “ .....	7
“ “ Principal Doorkeeper, .....	7
“ “ Assistant “ .....	7
“ “ Enrolling Clerk, .....	7
“ “ Printer to the Convention, .....	8

#### YEAS AND NAYS.

On motion of Mr. Ferebee to strike out the “Ordinance declaring null and void the Ordinance of May 20th, 1861,” to insert a substitute offered by himself, .....	22
“ passage of said ordinance, on second reading, .....	23
“ passage of the “Ordinance prohibiting Slavery in the State of North Carolina,” on second reading, .....	28
“ motion of Mr. Love, of Jackson, to reconsider the vote by which the “Ordinance providing for the election of Members of the General Assembly, members of Congress, and Governor,” passed its third reading, .....	34
“ Mr. Grissom’s amendment to said ordinance, viz: to strike out “1866” at the end of the first section and insert “1867.” .....	36



	PAGE.
On Mr. Grissom's amendment to 15th section said Ordinance, viz: to strike out "1867," at its close, and insert "1868," .....	37
" motion of Mr. Settle to suspend the rules, that the report of the Committee on Public and Private Debts might have immediate consideration, .....	39
" Committee's amendment to strike out section 7 of "An Ordinance declaring what laws and ordinances are in force, and for other purposes," .....	46
On motion of Mr. Mebane, to lay on the table "An Ordinance recognizing the just debts of North-Carolina, and prohibiting the payment of all public debts contracted or incurred in aid of the late rebellion, .....	48
" motion of Mr. Caldwell, of Guilford, for an adjournment, .....	48
" motion of Mr. Caldwell, of Guilford, to lay on the table the foregoing ordinance, .....	55
" motion of Mr. Caldwell, of Burke, to suspend the rules to put on its several readings, "An ordinance for ascertaining the wish of the people in relation to the war debt," .....	57
" an amendment proposed by Mr. Conigland to "An ordinance submitting to the qualified voters of the State the ratification or rejection of certain ordinances," .....	63
" an amendment offered to said ordinance by Mr. Caldwell, of Burke, .....	64
" an amendment offered by Mr. Caldwell, of Burke, to the " ordinance declaring what laws and ordinances are in force, on third reading, .....	72
" Mr. Phillips' amendment to said ordinance, viz: that the 5th section as amended stand as the sense of the Convention, .....	73
" amendment of Mr. Moore, of Wake, to said ordinance, .....	75
" motion of Mr. Caldwell, of Guilford, to lay on the table "An Ordinance to provide for the payment of the State debt contracted before the war," .....	79
" motion of Mr. Sloan to reconsider a vote fixing the day of adjournment, .....	82
" the passage, on third reading, of "An Ordinance to declare vacant certain offices," .....	84
" motion of Mr. Boyden, to lay on the table "An Ordinance recognizing the just debts of North-Carolina, and prohibiting the payment of all debts contracted or incurred in aid of the rebellion," .....	85
" Mr. McIver's amendment to the substitute proposed by Mr. Moore, of Wake, for the foregoing ordinance; .....	86



# INDEX.

iii

	PAGE.
On the adoption of the first section of said Ordinance, on second reading, .....	88.
" the adoption of the second section of said Ordinance, .....	88
" Mr. Grissom's amendment to said Ordinance, submitting its 2d section to the people for ratification or rejection, .....	89
" Mr. Settle's motion to reconsider the vote by which the foregoing amendment was adopted, .....	90



171

Inc. or Co. of the State of New York, and  
 of the County of New York, do hereby certify  
 that the within and foregoing is a true and  
 correct copy of the original thereof, as the  
 same appears from the records of the  
 County of New York, and the State of New York.  
 In testimony whereof, I have hereunto set  
 my hand and the seal of the County of New York,  
 at the City of New York, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.



**JOURNAL**

**OF**

**THE CONVENTION**

**OF THE**

**STATE OF NORTH-CAROLINA,**

**AT ITS**

**ADJOURNED SESSION OF 1866.**



**RALEIGH:**

**CANNON & HOLDEN, PRINTERS TO THE CONVENTION.**

**1866.**







# JOURNAL

OF THE

# CONVENTION.

---

## NORTH-CAROLINA STATE CONVENTION.

RALEIGH, N. C., May 24th, 1866.

The Delegates to the North-Carolina State Convention re-assembled at the Capitol this day, pursuant to adjournment, and were called to order by the President, at 12 o'clock, M. Prayer by Rev. L. Branson of the M. E. Church.

The roll was then called by the Secretary, when the following delegates answered to their names :

Hon. E. G. Reade, President, Messrs. Alexander, Allen, Baines, Barrow, Beam, Bell, Berry, Bingham, Bradley, Brickell, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Clark, Cowper, Dickey, Eaton, Ellis, Faulkner, Furches, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Jarvis, Jones of Davidson, Joyce, Joyner, King, Lash, Logan, Love of Chatham, Love of Jackson, McCauley, McCorkle, McDonald of Chatham, McDonald of Moore, McGehee, McIver, Nat. McLean, McLaughlin, Mebane, Moore of Chatham, Moore of Wake, Murphy, Odom, Phillips, Polk, Rumley, Rush, Settle, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stevenson, Stuart, Swann, Thompson, Willey, Williams, Wilson, Wilburne, Winston and Wright—75.



A quorum being present, the Convention proceeded to business.

The President presented a communication from His Excellency, the Governor, in regard to resignations and deaths of members, since the adjournment of last session, and orders for elections to fill vacancies, which was read.

STATE OF NORTH-CAROLINA,  
EXECUTIVE DEPARTMENT,  
*Raleigh, May 25th, 1866.* }

*Gentlemen of the Convention :*

Since your adjournment last October, nothing has come to my knowledge touching our position in reference to the Federal Government, which is not matter of public history.

At your previous session you made the amendments to the Constitution and passed the Ordinances believed to be necessary to complete reconciliation with the United States—and our restoration to national fraternity. Although our people, with remarkable unanimity, yielded their assent to your action, and were ready, without any exception within my knowledge, to acknowledge their allegiance to the United States, and to obey the laws and Constitution thereof, we have been grievously disappointed by the rejection of our members from the Congress of the nation. This rejection has not been placed on the ground of any irregularity in their election or qualification. While the Congress recognizes the existence of the State Government to the extent of incorporating into the Constitution of the United States our amendments made thereto, they continue to govern and to tax us, without allowing us any participation in making the laws or imposing the national taxes. The Congress has been sitting some five months, without prescribing any terms on which it is proposed to recognize our admission. We have elected men whom we believe to be as loyal as any men in the United States; every one of whom labored to preserve the Union till hostilities had actually commenced, and every one of whom has renewed or is ready to renew his oath of fidelity to the government of the



United States. Whether any one of them could conscientiously swear that he never aided or sympathised with the rebellion, I do not know. If no member can be received from the States lately in rebellion, without taking the Congressional test oath, it will amount to practical disfranchisement.

It was presumed when you adjourned in October last, that by this time the Union would have been fully restored, or that Congress would have defined its policy of restoration. Neither event has occurred. Neither the President nor Congress has made known any further requirements. I have no information which warrants me in making any suggestions to you as to any further action which you may properly take, tending to produce the desired harmony. Let us so act as to retain our self respect—and to give to our late enemies no just grounds for continued ill-will against us. National prosperity cannot be restored until real reconciliation and concord shall be re-established. If bitterness is to be continued, let all of us strive to co-operate with the President in his patriotic plans, and refrain from giving any just excuse for the continuance of such feeling, and hope that the day is not distant when the Northern people shall become satisfied that their distrust of us is ill founded, and that the religion we profess, as well as public policy, demand mutual forgiveness and reconciliation.

I herewith enclose a communication from the Public Treasurer, suggesting certain amendments to the Revenue Act of the last General Assembly. I commend his recommendations to your favorable consideration.

In consequence of the order of the President of the United States relieving the Provisional Governor, I entered upon the discharge of my duties as Civil Governor, in conformity with your Ordinance, on the 28th day of December last. I had to encounter some irregularities growing out of the transition. But with the universal desire of the people to restore order, no serious difficulties have presented themselves in putting into action the machinery of civil government in the State.

In my official correspondence and intercourse with the Executive officers of the United States, and with Brevet Major-



General Ruger, the Military Commandant of this State, all have exhibited a uniform disposition to avoid unnecessary jarrings in the discharge of our respective duties, and readiness to co-operate with me in every thing tending to restore cordial reconciliation between the lately belligerent sections of our country.

I learn from General Ruger, to whom the President of the United States has lately assigned the chief supervision of the Freedmen's Bureau in this State, that he would gladly transfer to the civil Courts of the State full jurisdiction in all matters relating to freedmen, but that he feels embarrassed in doing so, consistently with his instructions, on account of certain provisions and conflicting constructions of the act of the General Assembly, passed at its late session, entitled "An act concerning negroes, persons of color, or of mixed blood." His difficulties are understood to grow out of the 9th and 11th sections of the act. As it is very desirable that the civil Courts shall mete out uniform justice to all, white and black, according to law, and that all cause of dissatisfaction as to conflict of jurisdiction, should be avoided, I recommend the subject to your consideration.

My relations to your body, as I conceive, do not warrant me in submitting any recommendation whatever in reference to the scope of your action. Hence, I had not intended, until your call of yesterday, to submit any Message whatever. Having the fullest confidence in your wisdom, I would not obtrude my views or wishes upon you.

May God guide your counsels to results beneficial to our unhappy country.

JONATHAN WORTH.

---

TREASURY DEPARTMENT OF NORTH-CAROLINA,  
RALEIGH, May 1866.

Hon. JONATHAN WORTH, Governor:

SIR: Allow me to call your attention to difficulties and



hardships which have occurred in the administration of the Revenue Law of the General Assembly.

The Ordinance of the Convention for providing Revenue for 1865, imposed a tax on persons carrying on business as merchants, &c., during the year. This tax was much complained of, on account of its retrospective character. The levy on purchases from the first of January to the passage of the Ordinance was severely felt, because imposed on business already settled, without an estimate of such tax as part of the expenses.

By act of the General Assembly entitled "Revenue" the persons above mentioned are subjected to new taxes on the same subjects, from the first of July, 1865, to the first of January, 1866.

In the case of Income, this hardship was guarded against by the provisions, "that in estimating the income for the year preceding the 1st day of April, 1866, those subjects on which taxes have actually been paid, under the Revenue Ordinance of the Convention, shall not be included," but probably by inadvertence, this provision was not extended to other taxable subjects.

It is true, that by the 7th section of the Ordinance, "declaring what laws and ordinances are in force," the rates of taxation in force on the 20th May, 1861, were re-established, and most of those pursuing avocations taxed by the Revenue Ordinance of the Convention, were technically presumed to know, that, from the 18th day of October, 1865, to the 1st of January, 1866, those avocations were subjected to a double burden, that is to taxation under the Ordinance, and also under the act of the General Assembly. But it has come to my knowledge that the people of the State were not generally informed of this state of the law.

Another difficulty has been created by the clerical error of placing section 32d as a separate section, instead of including it as a part of section 30th.

The preamble of Schedule "B" directs the licenses under that schedule to expire on the first of July of each year, while



section 32 as printed enacts, that all their licenses shall be for twelve months from the time the same are issued.

To cure these defects, I respectfully suggest the propriety of calling the attention of the Convention to this subject, recommending the passage of an Ordinance declaring—

1st. The act of Assembly entitled "Revenue," imposing taxes on purchases, sales and receipts, shall not be construed to extend to those purchases, sales or receipts, on which taxes have actually been paid, under the Revenue Ordinance of the Convention.

2d. When specific taxes have been imposed for license to use any article, or carry on any business for the year preceeding the first day of July, 1866, one-half thereof shall only be payable, where taxes for the same purpose were actually paid under said Ordinance.

3d. Retailers of spirituous liquors, who paid the tax prescribed in section 11 of said Ordinance, shall be entitled to do business for the year for which such license was granted, without further license tax.

4th. The provisions of section 32, of Schedule B, of the Revenue act of Assembly, shall only extend to the license for distilling whiskey.

5th. In all cases where taxes are payable to the Sheriff or Collector without being listed, the Sheriff or Collector may administer an oath in order to ascertain the amount thereof.

The passage of an Ordinance declaratory of the above principles, will, I am persuaded, do more complete justice to all parties, and will make the Revenue act of the General Assembly as was intended by its framers.

Very respectfully,

KEMP P. BATTLE, Pub. Treasurer.

The following gentlemen then presented certificates of election as delegates from their several counties, were duly qualified, and took their seats in the Convention:

Jeremiah Pearsall, in place of D. B. Nicholson, dec'd, from Duplin.



Samuel F. Patterson, in place of R. L. Patterson, resigned, from Caldwell.

B. T. Person, in place of J. T. Kennedy, resigned, from Wayne.

J. H. Foy, in place of I. N. Saunders, dec'd, from Onslow.

D. W. Bagley, in place of Jesse R. Stubbs, resigned, from Martin,

And A. H. Jones, resigned, and re-elected from Henderson.

W. H. Harrison, one of the delegates for Wake, who was detained from his seat by illness, during last session, also qualified and took his seat.

A communication from R. W. Best, Esq., Secretary of State, in regard to the distribution of the Acts and Resolutions of the General Assembly of 1864-'65, ordered to be printed by the Convention, was read for information.

Mr. Clark introduced a preamble and resolution for adjournment, *sine die*, which was read and lies over under the rule.

On motion of Mr. Furches, a committee of three was appointed by the President to wait on the Governor and inform him that the Convention was ready to receive any communication he might be pleased to make.

The committee consists of Messrs. Furches, Logan, and Wright, who performed the duty and reported that His Excellency would send in a communication on the subject of the Revenue, on to-morrow.

Then, on motion of Mr. McLaughlin, the Convention adjourned to 10 o'clock to-morrow morning.

---

#### FRIDAY, MAY 25th, 1866.

The President called the Convention to order pursuant to adjournment. The journal of Thursday was read and approved.

Mr. Willey presented a memorial from Thomas D. Fleury, of Chowan county, praying to be released from the payment of a pedler's tax, which was read and referred to the Committee of Finance.



Mr. Wilson introduced a resolution (104) of enquiry in regard to the Stay Law, passed by the last General Assembly, which was read and lies over under the rules.

By Mr. Grissom, a Resolution (105) requiring the Secretary of State to furnish to the Convention 120 copies of the Acts and Resolutions of the General Assembly, session 1864-'65, and a like number of copies of the Laws and Resolutions of the last General Assembly, which passed the several readings under a suspension of the rules.

#### ORDINANCES INTRODUCED.

By Mr. Caldwell, of Burke, an Ordinance (106) to grant a general amnesty and pardon to all persons guilty of violating the criminal laws of the State of North-Carolina, except to those guilty of capital felonies, which passed the first reading and was ordered to be printed.

By Mr. Phillips, an Ordinance (107) for calling a Convention in 1871, which was read and passed the first reading.

By Mr. Harris, of Guilford, an Ordinance (108) to amend the 33rd section of the Constitution, passed first reading and referred to the Committee on Magistrates.

By Mr. Moore, of Wake, an Ordinance (109) to provide for executing decrees of the Supreme Court at Morganton, which passed the first reading.

Mr. Moore moved that the rules be suspended and the ordinance be put on its second and third readings at this time. The motion prevailed, the ordinance was read the second and third times, passed and was ordered to be enrolled.

By Mr. Moore, of Wake, an Ordinance (110) concerning the qualification of voters for municipal officers in the cities and incorporated towns of North-Carolina, which passed the first reading.

On motion the rules were suspended and the ordinance read a second time.

Mr. Moore moved to amend by adding to the first section, "*Provided*, That nothing in this ordinance shall be construed to affect any provision in any charter respecting residence."



The amendment was adopted, and as thus amended the ordinance passed the second and third readings and was ordered to be enrolled.

By Mr. Stevenson, an Ordinance (111) to change the time of holding the Court of Pleas and Quarter Sessions of Alexander county, which passed the first reading.

By Mr. Furches, an Ordinance (112) to amend section 6, of the Constitution of North-Carolina, with regard to qualifications of members of the House of Commons. Passed the first reading and referred to the Committee on Constitutional Amendments.

By Mr. Furches, an Ordinance (113) to amend article 1, section 3, clause 1, of Amended Constitution of North-Carolina, with regard to qualification of Senators, passed the first reading and referred to the Committee on Constitutional Amendments.

On motion of Mr. McIver, all matters relating to the election of Magistrates, referred to and reported on by the Committee on Magistrates, during the first session of the Convention, were recommitted to that Committee.

Mr. Moore, of Wake, introduced a Resolution (114) concerning public appropriations for the Chatham Railroad Company, which was read and lies over under the rules.

On motion of Mr. Moore, of Wake, the name of Gen. S. F. Patterson was put on the Committee on the War Debt, in place of R. L. Patterson, resigned.

Mr. Buxton introduced an Ordinance (115) in relation to imprisonment for debt, which passed the first reading.

By Mr. Furches, an Ordinance (116) to amend section 3, clause 3, of the amendments to the Constitution, which passed the first reading, and was referred to the Committee on Constitutional Amendments.

By Mr. Foy, an Ordinance (117) for the relief of the people of North-Carolina who have sustained losses by the war, which passed the first reading.

Mr. Furches moved to lay the ordinance on the table, which motion the Chair stated to be out of order, under the rules, on the first reading.



Mr. King moved to suspend the rules in order to entertain the motion, and it was not agreed to, two-thirds not voting in favor—yeas 27, nays 23.

The Convention then proceeded to the consideration of business on the calendar :

No. 22, a Preamble and Resolution relating to private debts contracted during the war, was read the second time, and, on motion of Mr. Furches, laid on the table.

No. 30, an Ordinance for the abolishing slavery, read second time, and, on motion of Mr. McGehee, laid on the table.

No. 31, an Ordinance to protect the freedmen from the evils of intemperance, was read the second time.

Mr. Starbuck moved that it be referred to the Committee on Constitutional Amendments, and it was not agreed to.

Mr. Furches moved to lay the ordinance on the table, and the motion prevailed.

The President announced a communication from his Excellency, the Governor, transmitting a report from the Public Treasurer, which was read, and, on motion of Mr. Caldwell, of Burke, ordered to be printed. [Follows the Gov. Message.]

Mr. Moore, of Wake, introduced (118) an Ordinance repealing the provisos of section 9 of an Act of the General Assembly, entitled "An Act concerning negroes and persons of color, or of mixed blood," and for other purposes, which passed the first reading.

By the same, (119) an Ordinance repealing section 11 of an Act, entitled "An Act concerning negroes and persons of color, or of mixed blood," which passed the first reading.

Mr. Clark moved to take up (103) the Preamble and Resolution introduced by him yesterday, in regard to adjournment; the motion prevailed, and the resolution was read.

Mr. Grissom moved to lay it on the table.

On this motion the yeas and nays were ordered, on motion of Mr. Clark, and resulted, yeas 61, nays 30.

Those who voted in the affirmative are :

Messrs. Alexander, Allen, Baines, Beam, Bell, Bingham, Bradley, Brickell, Bryan, Buxton, Bynum, Caldwell of Burke, Dickey, Eaton, Ellis, Faulkner, Furches, Gahagan, Garland,



Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Joyce, Joyner, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCorkle, McDonald of Moore, McGehee, McIver, Nat. McLean, McLaughlin, Moore of Chatham, Moore of Wake, Pearsall, Phillips, Rush, Settle, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Thompson, Williams, Wilson—61.

Those who voted in the negative are :

Messrs. Bagley, Barrow, Berry, Burgin, Clark, Conigland, Cowper, Dockery, Ferebee, Foy, Gilliam, Howard, Johnston, Jarvis, Manly, McKoy of Sampson, Mebane, Murphy, Odom, Patterson, Pearson, Polk, Rumley, Simmons, Smith of Anson, Spencer of Hyde, Willey, Winburne, Winston, Wright—30.

(32) An Ordinance to provide for homesteads was then taken up, read the second time, and, on motion of Mr. Faulkner, referred to a Select Committee of five.

The Chair appointed Messrs. Faulkner, Dockery, Grissom, Winburne and Foy.

Mr. Phillips introduced (120) Resolution to raise a Committee to report an ordinance for a Convention in 1871, which, being read,

Mr. Phillips moved that the rules be suspended for the purpose of considering the resolution at this time.

Mr. Love, of Jackson, asked the yeas and nays.

Whereupon Mr. Phillips withdrew his motion and the resolution lies over under the rules.

Mr. Thompson introduced (121) Resolution to appoint Jas. Page, of Randolph, second Assistant Door-keeper, which was read and lies over.

By Mr. Moore, of Wake, (122) a Resolution in favor of William H. Harrison, a member of this Convention, which passed the first reading.

By Mr. Manly (123) a Resolution in regard to printing, which passed the first reading.

By Mr. Odom, (124) a Resolution concerning adjournment, which was read and lies over under the rule.



On motion of Mr. Settle, the Convention adjourned to 10 o'clock to-morrow morning.

The following members appeared in their seats, in addition to those who answered on the call of the roll on yesterday:

Messrs. N. A. McLean, Alfred Dockery, Simmons, Lyon, McRae, Howard, McKoy of Sampson, Johnston, Manly and Eerebee.

---

SATURDAY, MAY 26TH, 1866.

The President called the Convention to order pursuant to adjournment. Prayer by Rev. H. T. Hudson, of the M. E. Church.

The journal of Friday was read and amended.

The following ordinances were introduced:

By Mr. McDonald, of Chatham, (125) an Ordinance to amend the Charter of the Governor's Creek Transportation and Mining Company, which passed the first reading.

By Mr. McCorkle, (126) an Ordinance to alter the time for holding the Courts of Pleas and Quarter Sessions of Stanly county, which passed the first reading.

The rules were then suspended, on motion of Mr. McCorkle, the ordinance read the second and third times, passed the second and third readings, and was ordered to be enrolled.

On motion of Mr. Stephenson, (111) an Ordinance to change the times of holding the Courts of Pleas and Quarter Sessions of Alexander county, was taken up on its second reading and passed.

On motion of Mr. Stephenson, the rules were suspended and the ordinance read the third time.

Mr. Furches moved to amend the ordinance by adding the following as an additional section:

"SEC. 4. *Be it further ordained*, That this ordinance go into effect on the second Monday of June next, and not before."

The amendment was adopted, and thus amended the ordi-



nance passed the third reading, and was ordered to be enrolled.

By Mr. Buxton, (127) an Ordinance providing for the election of a Lieutenant-Governor, which passed the first reading.

By Mr. Love, of Jackson, (128) an Ordinance to amend the Constitution on the basis of representation, which passed the first reading.

Mr. Henry moved that this ordinance be printed, and the motion prevailed.

By Mr. McCorkle, (129) an Ordinance prohibiting the General Assembly from conferring appointments upon the members thereof, which passed the first reading.

Mr. Foy moved to take up (117) an Ordinance for the relief of the people of North-Carolina, who have sustained losses by the war, and the motion prevailed.

The ordinance was read the second time.

Mr. Foy moved to refer it to a Select Committee of seven, and it was agreed to.

On motion of Mr. Allen, (87) an Ordinance to amend the third section, article 1, of the Amended Constitution of State, and section 6 of the same, was taken up, read the second time and referred to the Committee on Constitutional Amendments.

#### CALENDAR.

Ordinances and resolutions on the Calendar were then taken up as follows:

(36) Resolution declaring that the people of this State unanimously desire a speedy restoration of the Union, was read the second time, and, on motion of Mr. Furches, laid upon the table.

(41) Resolution concerning amendments to the Constitution, was read the second time, and

On motion of Mr. McRae, laid upon the table.

(42) A Resolution to raise a Committee of inquiry to report upon the expediency of establishing a Penitentiary, and for other purposes, was read the second time.



Mr. McIver moved to lay the resolution on the table, and it was not agreed to.

The question recurring on the adoption of the resolution, it was decided in the affirmative.

(43) Resolution of instructions to the Committee on Acts of the Convention, was read the second time, and

On motion of Mr. Settle, indefinitely postponed.

(46) An Ordinance to amend section 6 of the Constitution of the State, and article 1, section 3, clause 1, of the amended Constitution, was read the second time, and

On motion of Mr. Furches, was referred to the Committee on Constitutional Amendments.

(47) An Ordinance in relation to public roads, was read the second time, and

On motion of Mr. King, laid upon the table.

(49) An Ordinance qualifying voters in the elections of officers of the State, and Representatives in Congress, read the second time, and

On motion of Mr. King, laid upon the table.

(51) An Ordinance to re-organize the Supreme Court, read second time, and

On motion of Mr. Bingham, laid upon the table.

Mr. Grissom introduced (130) an Ordinance to amend an Act of the General Assembly, entitled "An Act to change the jurisdiction of the Courts, and the rules of pleading therein," which passed the first reading.

Mr. Grissom moved to suspend the rule and refer this ordinance to a Select Committee of seven, and the motion was agreed to.

Business on the Calendar was then resumed:

(54) An Ordinance providing for pauper freedmen and other colored paupers in North-Carolina, was read the second time, and

On motion of Mr. Ferebee, indefinitely postponed.

(61) A Resolution of adjournment was read.

Mr. Phillips moved to amend this resolution by adopting as a substitute the resolution concerning a Convention in 1871 (120) offered by him on yesterday.



Mr. Caldwell, of Burke, moved to lay the amendment on the table, and, on this motion, asked the yeas and nays, which were ordered, and resulted yeas 63, nays 37.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Baines, Baker, Beam, Bell, Bingham, Bradley, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Dickey, Dockery, Ellis, Faulkner, Furches, Gahagan, Garland, Garrett, Gilliam, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Joyce, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCorkle, McDonald of Chatham, McDonald of Moore, McIver, N. A. McLean, Nat. McLean, McLaughlin, Moore of Chatham, Moore of Wake, Pool, Rush, Settle, Smith of Johnston, Smith of Wilkes, Starbuck, Stewart, Stephenson, Swan, Thompson, Ward, Williams, Wilson—63.

Those who voted in the negative are:

Messrs. Allen, Bagley, Barrow, Berry, Brickell, Clark, Conigland, Cowper, Eaton, Ferebee, Foy, Howard, Jarvis, Johnston, Joyner, Manly, McKoy of Sampson, McGehee, McRae, Mebane, Murphy, Odom, Pearsall, Perkins, Person, Phillips, Polk, Rumley, Russell, Simmons, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Willey, Winburne, Winston, Wright—37.

(55) A Relief Ordinance was read the second time.

Mr. Phillips moved to lay upon the table, but withdrew his motion.

Mr. N. A. McLean renewed the motion, and it was agreed to.

(62) A Resolution concerning disabled soldiers, widows and orphans, read the second time, and

On motion of Mr. Manly, indefinitely postponed.

(64) An Ordinance providing for the election of two members to the House of Commons from the county of Moore, read second time, and

On motion of Mr. McDonald, of Moore, indefinitely postponed.



(65) An Ordinance concerning debts of the State hereafter to be contracted, was read the second time.

Mr. McCorkle moved to make this ordinance the special order for Monday next, at 12, M.

Mr. Love, of Jackson, to amend by substituting "Wednesday" for "Monday," and it was not agreed to.

The question then recurred on the motion of Mr. McCorkle, and it was adopted.

(70) An Ordinance amending the Constitution on the basis of representation, was read the second time, together with a report of the Committee.

Mr. Thompson moved to refer the ordinance to the Committee on Constitutional Amendments.

Mr. Logan moved to make it the special order for Wednesday next, (30th inst.,) at 12 o'clock, M., which motion had preference, and was adopted, yeas 46, nays 21.

On motion of Mr. Thompson, the Resolution (121) to appoint James H. Page second assistant door-keeper, was taken up for consideration.

Mr. Caldwell, of Burke, moved to amend by adding, "*Provided*, He shall receive but three dollars per day, and allowed no mileage coming to or returning from the Convention," which amendment was not adopted.

The question then recurred on the adoption of the resolution.

Mr. Caldwell, of Burke, asked the yeas and nays, which being ordered, resulted yeas 29, nays 68.

Those who voted in the affirmative are:

Messrs. Allen, Baines, Barrow, Bradley, Buxton, Bynum, Cowper, Dockery, Ferebee, Foy, Harris of Rutherford, Henry, Howard, Jackson, Manly, McCorkle, McKoy of Sampson, Mebane, Moore of Chatham, Pool, Rumley, Rush, Settle, Spencer of Montgomery, Thompson, Willey, Winston, and Wright—29.

Those who voted in the negative are:

Messrs. Adams, Alexander, Bagley, Baker, Beam, Bell, Berry, Bingham, Brickell, Bryan, Burgin, Caldwell of Burke, Clark, Conigland, Dickey, Eaton, Ellis, Faulkner, Furches,



Gahagan, Garrett, Gilliam, Godwin, Grissom, Harris of Guilford, Harrison, Haynes, Hodge, Jarvis, Johnston, Jones of Davidson, Jones of Henderson, Joyce, Joyner, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McDonald of Chatham, McDonald of Moore, McGehee, Mo-  
Iver, N. A. McLean, Nat. McLean, McLaughlin, McRae, Meers of Wake, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Polk, Russell, Simmons, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Stephenson, Stewart, Ward, Williams, Wilson and Winburne—68.

Mr. Polk introduced (131) a Resolution relating to questions to be considered by the Convention, which was read and lies over under the rules.

Mr. Wilson moved to take up (104) Resolution in regard to the Stay Law passed by the late General Assembly, and refer it to the Select Committee on (130) the Ordinance introduced by Mr. Grissom this morning.

The motion was agreed to and the resolution referred accordingly.

Mr. McDonald, of Moore, introduced (132) Resolutions declaring what has been done, and appointing a Committee to ascertain what is necessary to be done to restore the State to the Federal Union, which was read and lies over under the rule.

(71) A Resolution for evening sessions, and

(72) A Resolution for adjournment, were read and lie on the table.

Mr. Conigland introduced (133) Resolution in relation to unfinished business, which was read and adopted, under a suspension of the rules.

The name of Mr. Conigland was placed on the Committee on Constitutional Amendments, not otherwise referred, in place of Mr. Stubbs, resigned.

The President appointed the following Committees:

On Mr. Grissom's Ordinance (130), Messrs. Howard, McRae, Pool, Adams, Settle, Grissom and Wilson.

On Mr. Foy's Ordinance (117), Messrs. Foy, Clark, Logan,



Harris of Guilford, Johnston, McDonald of Moore, and Dickey.

On "Penitentiary," Messrs. McIver, Buxton, Alexander, Dockery and Gahagan.

On motion of Mr. King, (80) an Ordinance to amend section 6 of the Constitution of North-Carolina, and article 1, section 3 of the Amended Constitution, was taken up and referred to the Committee on Constitutional Amendments.

Then, on motion of Mr. Manly, the Convention adjourned to 10 o'clock, Monday morning.

The following additional members appeared in their seats to-day:

Messrs. Pool, Howard, Ward, Adams, Baker and Perkins.

---

#### MONDAY, MAY 28TH, 1866.

The Convention was called to order by the President, pursuant to adjournment. Prayer by Rev. J. M. Atkinson of the Presbyterian Church.

The journal of Saturday was read and approved.

The President appointed Messrs. Furches and McIver to constitute the Committee on Enrolments.

The Committee on the subject of a Penitentiary made a report unfavorable to the project, and the report was received and adopted.

Messrs. F. B. Satterthwaite, of Pitt, and John A. Richardson, of Bladen, presented certificates of election as delegates from their respective counties, were qualified and took their seats in the Convention.

Messrs. Dick, Sloan, Caldwell of Guilford, McKay of Harnett, Brown and Faircloth of Wayne, appeared in their seats.

Mr. Logan introduced (134) Resolution in regard to a circulating medium, proposing to raise a Select Committee of seven to enquire and report on the subject, which was read and adopted.



By Mr. McLaughlin, (135) a Resolution to change the manner of settling with executors and administrators, which was read and lies over under the rules.

Mr. Moore, of Wake, from the Committee to revise the Constitution, reported (136) the Constitution, with amendments, which was read and ordered to be printed.

By Mr. Polk, (137) Resolution reducing the *per diem* and mileage of officers and members of the Convention, which was read and lies over under the rule.

By Mr. Henry, (138) an Ordinance in regard to debts incurred by the Counties in aid of the rebellion, which passed the first reading.

By Mr. Jones, of Davidson, (139) a Resolution of inquiry concerning salaries and fees, which lies over under the rule.

By Mr. Hodge, (140) an Ordinance to establish Courts of authentication and record, which passed the first reading and was ordered to be printed.

By Mr. Russell, (141) an Ordinance concerning the election of Clerks and Sheriffs, which passed the first reading.

Mr. Faulkner, from the Committee on Homesteads, reported (142) an Ordinance to amend the Constitution so as to provide for Homesteads.

And (143) an Ordinance in regard to Homesteads, which severally passed the first reading, and, with the report, ordered to be printed.

By Mr. Rumley, (144) an Ordinance to incorporate the Oceanic Hook and Ladder Company, of Beaufort, N. C., which passed the first reading.

By Mr. Phillips, (145) a Resolution requesting the Secretary of State to have printed for the use of the Convention 120 copies of the Census of North-Carolina, of 1860, which passed the first reading.

Mr. Phillips moved that the rule be suspended in order to give the resolution its second and third reading at this time, and the motion prevailed.

The resolution was then read the second and third times, and ordered to be enrolled.



Mr. Polk introduced (146) a Resolution for evening sessions, which was read.

He then moved to suspend the rules in order to consider the resolution to-day, and the motion prevailed.

Mr. Jones, of Davidson, moved to amend so as to commence the evening session at 4 o'clock.

Mr. Logan, to amend the amendment so as to have a morning session from 10 o'clock to 1, and an afternoon session from 3 o'clock to 5.

Mr. Henry moved to lay the whole subject on the table.

On this motion Mr. Polk asked the yeas and nays, which were not ordered.

The question then recurred on the motion of Mr. Henry, to lay on the table, and it was agreed to.

Mr. Winburne introduced (147) an Ordinance to secure the rights of citizens of North-Carolina in the navigable rivers of the State, which passed the first reading.

Mr. Pool introduced (148) a Resolution to pay the Commissioners appointed to report to the General Assembly on the subject of freedmen, which passed the first reading and referred to the Committee on Finance.

Mr. Wright, from the Committee on Finance, to whom was referred the report of the Public Treasurer, transmitted through his Excellency, the Governor, reported (149) an Ordinance in relation to the Act of the General Assembly, entitled "Revenue," which passed the first reading and was ordered to be printed.

#### BUSINESS ON THE CALENDAR.

(106) An Ordinance to grant a General Amnesty, was read the second time.

Mr. Jones, of Henderson, moved to amend by striking out "May 1st, 1865," and inserting the word "January 1st, 1866," and it was not adopted.

Mr. McCorkle moved to amend by adding the words: "*Provided*, That all homicides committed by persons in the so-called Confederate States army, while acting under orders



emanating from commanding officers, to which the defendants belonged, shall also be exempted from prosecution."

Mr. Phillips moved to refer the whole subject to the Committee on General Amnesty.

Mr. Gilliam, to amend the motion so as to refer to a Select Committee.

Mr. Forkner moved to lay the whole subject on the table, on which he asked the yeas and nays, which were ordered and resulted yeas 39, nays 65.

Those who voted in the affirmative are:

Messrs. Adams, Baines, Brooks, Bryan, Bynum, Caldwell of Guilford, Cowper, Dickey, Ellis, Faircloth, Forkner, Furches, Gahagan, Garland, Gilliam, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Jones of Davidson, Lash, Logan, Love of Chatham, Lyon, McKay of Harnett, McDonald of Chatham, McDonald of Moore, Richardson, Russell, Rush, Satterthwaite, Simmons, Sloan, Starbuck, Stewart, Swan, Walkup, Willey, Winburne, Winston—39.

Those who voted in the negative are:

Messrs. Alexander, Allen, Bagley, Baker, Barrow, Beam, Bell, Berry, Bingham, Bradley, Brickell, Brown, Burgin, Buxton, Caldwell of Burke, Conigland, Dick, Dockery, Eaton, Ferebee, Garrett, Gilliam, Godwin, Henry, Hodge, Jackson, Jarvis, Johnston, Jones, of Henderson, Joyce, Joyner, King, Love of Jackson, McCauley, McCorkle, McKoy of Sampson, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, Murphy, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Polk, Pool, Rumley, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Stephenson, Thompson, Ward, Williams, Wilson, Wright—65.

Mr. Phillips accepted the amendment of Mr. Gilliam, to refer the subject to a Select Committee of nine, and the question being put thereon, the motion was agreed to.

Mr. McIvor introduced (150) a Resolution that the Finance Committee enquire whether the County Courts have power to levy a tax upon the subjects of taxation named in Schedule



B and C, of the Revenue law of 1866, which was read and adopted.

The Convention then proceeded to the consideration of the business on the Calendar, as follows:

(114) A Resolution concerning public appropriations for the Chatham Railroad Company, was read and adopted.

(115) An Ordinance in relation to imprisonment for debt, was read the second time, and

On motion of Mr. Moore, of Wake, was referred to the Committee on Constitutional Amendments.

(118) An Ordinance repealing provisos of section 9 of an act of the General Assembly, entitled "An Act concerning negroes and persons of color, or of mixed blood, and for other purposes," was read the second time, and

On motion of Mr. Moore, of Wake, referred to a Select Committee of five.

(107) An Ordinance for calling a Convention in 1871, was read the second time, and

On motion of Mr. Phillips, laid upon the table.

(119) An Ordinance repealing section 11 of an act, entitled "An Act concerning free negroes and persons of color, or of mixed blood," was read the second time, and

On motion of Mr. Moore, of Wake, referred to the Select Committee appointed on No. 118.

(120) A Resolution to raise a Committee to report an Ordinance for a Convention in 1871, was read the second time, and

On motion of Mr. Phillips, laid upon the table.

(122) A Resolution in favor of Wm. H. Harrison was read the second time.

Mr. McLaughlin moved to lay it on the table; on which he asked the yeas and nays, which, being ordered, resulted yeas 67, nays 30.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Bagley, Barrow, Beam, Bell, Berry, Bingham, Bradley, Bryan, Buxton, Caldwell of Guilford, Cowper, Dick, Eaton, Ellis, Faircloth, Ferebee, Furches, Gahagan, Garrett, Godwin, Harris of Guilford, Haynes, Jackson, Jones of Davidson, Joyce, Joyner, King, Lash,



Logan, Love of Chatham, Love of Jackson, McCauley, McDonald of Chatham, McDonald of Moore, McGehee, McIver, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Murphy, Odom, Perkins, Person, Phillips, Polk, Richardson, Rush, Satterthwaite, Simmons, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Starbuck, Stephenson, Stewart, Swan, Thompson, Walkup, Willey, Winburne, Wright—67.

Those who voted in the negative are :

Messrs. Allen, Baines, Baker, Brickell, Brown, Burgin, Bynum, Caldwell of Burke, Conigland, Dickey, Dockery, Forkner, Garland, Gilliam, Grissom, Harris of Rutherford, Henry, Hodge, Jones of Henderson, Lyon, McCorkle, McKay of Harnett, Moore of Wake, Patterson, Rumley, Russell, Spencer of Montgomery, Williams, Wilson, Winston—30.

#### SPECIAL ORDER.

(65) An Ordinance concerning debts of the State hereafter to be contracted, being the special order for 12 o'clock this day, was taken up on its second reading.

Mr. Eaton moved to amend by striking out of the 14th line of the written ordinance the words: "the passage," and inserting the words, "each reading," and the amendment was adopted.

Mr. Love, of Jackson, offered the following amendment: "*Provided*, That this requirement shall not be applicable to works of internal improvements already chartered, or in progress of construction."

On this amendment he asked the yeas and nays.

Mr. Caldwell, of Burke, moved to lay the whole subject on the table. On which he asked the yeas and nays, which being ordered, resulted yeas 59, nays 58.

Those who voted in the affirmative are :

Messrs. Adams, Baker, Beam, Bingham, Bradley, Bryan, Burgin, Bynum, Caldwell of Burke, Dick, Dickey, Dockery, Ellis, Forkner, Garland, Garrett, Harris of Rutherford, Haynes, Henry, Jones of Davidson, Jones of Henderson,



Joyce, Logan, Love of Chatham, Love of Jackson, McDonald of Chatham, McDonald of Moore, N. A. McLean, Nat. McLean, McRae, Moore of Chatham, Patterson, Pool, Smith of Wilkes, Stephenson, Stewart, Walkup, Ward, Williams—39.

Those who voted in the negative are :

Messrs. Allen, Bagley, Barrow, Bell, Berry, Brickell, Brown, Buxton, Caldwell of Guilford, Conigland, Cowper, Eaton, Faircloth, Ferebee, Furches, Gahagan, Gilliam, Grissom, Harris of Guilford, Hodge, Jackson, Jarvis, Johnston, Joyner, King, Lash, Lyon, McCauley, McCorkle, McKoy of Sampson, McKay of Harnett, McGehee, McIvor, McLaughlin, Mebane, Moore of Wake, Murphy, Odom, Pearsall, Perkins, Person, Phillips, Polk, Russell, Rush, Satterthwaite, Simmons, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Starbuck, Thompson, Willey, Wilson, Winburne, Winston, Wright—58.

The question then recurred on the amendment of Mr. Love, on which he asked the yeas and nays.

The President appointed the following Committees :

On Ordinance 118 and 119, Messrs. Moore, of Wake, Eaton, Satterthwaite, Bynum and Dockery.

On Amnesty, Messrs. Caldwell, of Burke, Gilliam, McCorkle, Dick, Satterthwaite, Mebane, Eaton, Gahagan and Buxton.

On Mr. Logan's Resolution (154,) Messrs. Logan, Lash, McRae, Cowper, Berry, Caldwell, of Guilford, and Pool.

Then, on motion of Mr. Henry, the Convention adjourned to 10 o'clock to-morrow morning—yeas 51, nays 30.

---

## TUESDAY, MAY 29TH, 1866.

The Convention was called to order by the President, pursuant to adjournment.

Prayer by Rev. Thomas E. Skinner, of the Baptist Church.

The journal of yesterday was read and approved.

Messrs. Jones, of Rowan, and Warren appeared in their seats.



## RESOLUTIONS AND ORDINANCES.

Mr. Mebane introduced (151) a Resolution to grant the use of the Hall to the Young Men's Christian Association on the evening of the 31st inst., which was read and adopted.

By Mr. Pearsall, (132) a Resolution for the relief of the people, by suspending the collection of taxes; which passed the first reading.

On motion of Mr. Jones, of Davidson, (139) Resolution to raise a Committee to inquire concerning Salaries and Fees, was taken up and adopted.

The President appointed Messrs. Jones, of Davidson, Grisson, Harris, of Guilford, Gahagan and Bingham.

Mr. Dockery introduced (153) a Resolution to raise a Committee of five to inquire and report as to the propriety of selling the Charter of the Western North-Carolina Railroad Company, which was read.

Mr. Love, of Jackson, moved to suspend the rules, so that the resolution may be considered to-day, and the motion prevailed.

He then moved to amend, by making the Committee consist of seven instead of five, and it was agreed to.

Mr. Patterson moved to amend by adding after the word "Cleaveland," the words "or any point they may think proper," and it was adopted.

As thus amended the resolution was adopted.

The President appointed on this Committee Messrs. Dockery, Patterson, Eaton, Caldwell of Burke, Ferrebee, Russell and Brown.

Mr. McIvor, for the majority of the Committee on Magistrates, reported (154) an Ordinance for the appointment of Magistrates, and to limit the number of the same; which passed the first reading, and was ordered to be printed.

Mr. Garland, for the minority of the same Committee, reported (155) an Ordinance for the election of Magistrates, and to limit the number of the same; which passed the first reading, and was ordered to be printed.

Mr. Logan introduced (156) a Resolution for the relief of



the people of the Counties of Rutherford and Polk ; which was read and lies over.

By the same, (157) an Ordinance for the relief of the people of the Counties of Rutherford and Polk ; which passed the first reading.

Mr. Logan moved to suspend the rules and put the ordinance on its second and third readings to-day, and it was not agreed to.

Mr. McRae introduced (158) an Ordinance to ratify and confirm the transfer of the Fayetteville and Western Plankroad to the Counties of Cumberland, Harnett and Randolph ; which passed the first reading.

Mr. King introduced (159) an Ordinance extending the time for the settlement of public taxes by the Sheriffs and Tax Collectors of the State ; which passed the first reading.

On motion of Mr. King, the rule was suspended, the ordinance read the second time, and referred to the Committee on Finance.

#### UNFINISHED BUSINESS.

The Convention took up the unfinished business, (65) an Ordinance concerning the debts of the State hereafter to be contracted, the question being on the amendment of Mr. Love, on which he had called for the yeas and nays.

The yeas and nays were ordered, and resulted yeas 20, nays 81.

Those who voted in the affirmative are :

Messrs. Alexander, Bingham, Burgin, Bynum, Caldwell of Burke, Dockery, Ellis, Furches, Garrett, Harris of Rutherford, Harrison, Henry, Logan, Love of Jackson, McDonald of Moore, McRae, Patterson, Smith of Wilkes, Stewart, Swan—20.

Those who voted in the negative are :

Messrs. Adams, Allen, Bagley, Baines, Baker, Barrow, Beam, Bell, Berry, Bradley, Brickell, Brown, Bryan, Buxton, Caldwell of Guilford, Cowper, Dick, Dickey, Eaton, Faircloth, Forkner, Ferebee, Gahagan, Gilliam, Godwin, Grissom, Harris of Guilford, Haynes, Hodge, Jackson, Jarvis, Johnston, Jones of Davidson, Jones of Henderson, Jones of Rowan,



Joyce, Joyner, King, Lash, Love of Chatham, Lyon, McCauley, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McIver, N. A. McLean, Nat. McLean, McLaughlin, Mebane, Moore of Chatham, Moore of Wake, Murphy, Odom, Pearsall, Perkins, Person, Polk, Pool, Richardson, Rumley, Rush, Satterthwaite, Simmons, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stevenson, Thompson, Walkup, Ward, Warren, Willey, Williams, Wilson, Winburne, Winston and Wright—81.

Mr. Furches then moved to amend as follows:

Strike out all between the words "debt" and "upless," in the 5th line, and insert the words "or imposing any tax upon the people of the State;" which was adopted.

Mr. Moore, of Wake, moved to amend by inserting the words "second and third," so that the voters shall be recorded only on those readings; which was adopted.

As amended, the ordinance passed the second reading.

Mr. King moved to suspend the rules and put the ordinance on its third reading to-day.

Mr. Logan moved to refer it to the Committee to revise the Constitution; which motion had priority, and was agreed to.

(124) A Resolution in relation to a recess or final adjournment of the Convention, was read, and

On motion of Mr. Odom, laid upon the table.

(125) An Ordinance to amend the Charter of the Governor's Creek Transportation and Mining Company, was read and passed the second reading.

Mr. McDonald, of Chatham, moved to suspend the rules and put the ordinance on its third reading to-day.

Mr. Satterthwaite moved to refer it to the Committee of Finance; which motion had priority, and was agreed to by the Convention.

(127) An Ordinance for the election of a Lieutenant Governor; which was read and passed the second reading, and was referred to the Committee to revise the Constitution.

(129) An Ordinance prohibiting the General Assembly from conferring appointments upon the members thereof, was read



the second time, and referred to the Committee on Constitutional Amendments.

(131) A Resolution relating to questions to be considered by the Convention, was read.

Mr. Grissom moved to lay it on the table.

On this motion Mr. Polk demanded the yeas and nays, which were ordered and resulted yeas 69, nays 36.

Those who voted in the affirmative are:

Messrs. Adams, Baines, Baker, Beam, Bell, Berry, Bingham, Brickell, Brown, Brooks, Bryan, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Ellis, Faircloth, Forkner, Gahagan, Garland, Garrett, Gilliam, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McDonald of Chatham, McDonald of Moore, McGehee, McIver, McLaughlin, Moore of Chatham, Moore of Wake, Odom, Patterson, Perkins, Pool, Russell, Rush, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Thompson, Ward, Warren, Williams—69.

Those who voted in the negative are:

Messrs. Alexander, Allen, Bagley, Barrow, Bradley, Burgin, Clark, Cowper, Dockery, Eaton, Ferebee, Furches, Jarvis, Johnston, Joyner, McCorkle, McKoy of Sampson, McKay of Harnett, N. A. McLean, McRae, Mebane, Murphy, Pearsall, Person, Polk, Richardson, Satterthwaite, Simmons, Smith of Anson, Spencer of Hyde, Walkup, Willey, Wilson, Winburne, Winston, Wright—36.

(132) Resolutions declaring what has been done, and appointing a Committee to inquire what is necessary to be done to restore the State to the Federal Union, was read.

Mr. Henry moved that they be printed and made the special order for Friday next, at 12 o'clock, M., and it was agreed to.

(135) Resolution to change the manner of settling with executors and administrators, was read the second time, and



the question being on its passage, it was decided in the negative.

(137) A Resolution reducing the *per diem* and mileage of the officers and members of the Convention, was read.

Mr. Henry moved to lay it on the table; and the motion prevailed.

(138) An Ordinance in relation to debts incurred by counties in aid of the rebellion, was read the second time and referred to the Committee on the War Debt.

(141) An Ordinance concerning the election of Clerks and Sheriffs, was read the second time.

Mr. Caldwell, of Guilford, moved to lay on the table, but withdrew it.

Mr. Clark removed the motion.

Mr. Grissom asked the yeas and nays, which were ordered, and resulted yeas 84, nays 12.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Allen, Bagley, Baker, Barrow, Beam, Bell, Bingham, Bradley, Brickell, Brown, Burgin, Buxton, Bynum, Caldwell of Guilford, Clark, Cowper, Dick, Dickey, Eaton, Faircloth, Ferebee, Furches, Gahagan, Garland, Gilliam, Godwin, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Jackson, Jarvis, Johnston, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCorkle, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, N. A. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, Murphy, Odom, Patterson, Pearsall, Perkins, Person, Polk, Richardson, Rush, Satterthwaite, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Starbuck, Stephenson, Swan, Thompson, Walkup, Ward, Willey, Williams, Wilson, Winburne, Winston—84.

Those who voted in the negative are:

Messrs. Baines, Berry, Bryan, Caldwell of Burke, Ellis, Forkner, Garrett, Grissom, Henry, Russell, Simmons, Smith of Johnston, Stewart—12.

Mr. Rumley, the following Preamble and Resolutions:



WHEREAS, The Almighty has been pleased, since our adjournment in October last, to remove from this world Walter S. Hanrahan, of the county of Pitt; Thomas I. Faison, of the county of Sampson; Isaac N. Saunders, of the county of Onslow, and Rev. David B. Nicholson, of the county of Duplin, who were members of this body:

*Resolved*, That the Convention record, with sorrow, the deaths of these worthy members, as a loss to the Convention and to the State; and, as a testimonial of respect to their memory, orders that this Preamble and Resolutions be entered upon the journals of the Convention, and that a copy thereof be transmitted, by the principal Secretary, to the family of each of the deceased.

*Resolved*, As a further testimony of respect to the memory of our deceased fellow-members, this Convention do now adjourn.

The Resolutions were unanimously adopted, and the President declared the Convention adjourned to 10 o'clock tomorrow morning.

---

### WEDNESDAY, MAY 30TH, 1866.

The Convention was called to order by the President, pursuant to adjournment.

Prayer by Rev. Henry Hardie, of the Presbyterian Church.

The journal of yesterday was read and approved.

Mr. Boyden, delegate from Rowan, appeared in his seat.

The Committee on Enrolments reported, as correctly enrolled, the following Ordinances and Resolutions, and the same were ratified in open Convention:

Resolution to have an abstract of the Census of 1860 printed for the use of the Convention.

An Ordinance to provide for executing decrees of the Supreme Court at Morganton.

An Ordinance to alter the times of holding the Courts of Pleas and Quarter Sessions of Stanly county.



Resolution for the distribution of the laws of the General Assembly.

An Ordinance concerning the qualifications of voters for municipal officers in the cities and incorporated towns of North-Carolina.

An Ordinance to change the time of holding the Courts of Pleas and Quarter Sessions for Alexander county; and

A Resolution in regard to printing.

On motion of Mr. Brown, leave of absence was granted Mr. McKoy, of Sampson, on account of illness.

Mr. Caldwell, of Guilford, introduced

(160) An Ordinance to regulate interest; which passed the first reading.

He then moved to suspend the rule that the ordinance may now be considered, and the motion prevailed.

The ordinance was then read the second time, and, on motion, referred to the Committee on Constitutional Amendments.

By Mr. Caldwell, of Burke,

(161) A Resolution concerning maimed and disabled soldiers, which was read and passed the first reading.

Mr. Moore, of Wake, from the Select Committee, on Ordinance 118, to repeal the provisos of section 9, of an act of the General Assembly, entitled "An Act concerning free negroes and persons of color or mixed blood," and

(119) To Repeal section 11 of an act of the General Assembly, entitled "An Act concerning free negroes and persons of color or of mixed blood," reported the same back to the Convention and recommended their passage.

Mr. Forkner, that the report of the Committee, with the ordinances, be printed, and the motion prevailed.

Business on the calendar was then taken up and disposed of as follows:

(142) An Ordinance to amend the Constitution, so as to provide for homesteads; and

(143) An Ordinance in regard to homesteads, were severally read the second time: and,

On motion of Mr. Forkner,



Were made the special order for Thursday, 31st instant, at 12 o'clock, M.

(144) An Ordinance to incorporate the Oceanic Hook and Ladder Company of Beaufort, N. C., was read and passed the second reading.

(147) An Ordinance to secure the rights of the citizens of North-Carolina in the navigable rivers of the State, was read the second time, and

On motion of Mr. Winston, was referred to a Select Committee of five.

The President appointed on this Committee Messrs. Winburne, Winston, Pool, Johnston and Stewart.

Mr. McKay, of Harnett, introduced (162) an Ordinance to pay Judges of Courts of Oyer and Terminer, which was read and passed the first reading.

He then moved to suspend the rules and put the Ordinance on its second reading at this time, and the motion prevailed.

The Ordinance was then read the second time, and

On motion referred to the Committee on Finance.

(149) An Ordinance in relation to the act of the General Assembly, entitled "Revenue," was read the second time and passed the second reading.

(156) Resolution for the relief of the people of the Counties of Rutherford and Polk, was read the second time, and

(157) An Ordinance for the relief of the people of the Counties of Rutherford and Polk, was read the second time, and both, on motion, referred to the Committee of Finance.

(158) An Ordinance to ratify and confirm the transfer of the Fayetteville and Western Plankroad to the counties of Cumberland, Harnett and Randolph, was read the second time.

Mr. Brown moved to lay it on the table, and it was agreed to.

On motion of Mr. Mebane, the special order for 12 M. this day, was taken up, it being (70) An Ordinance amending the Constitution on the basis of representation, on the second reading.

Mr. Love, of Jackson, offered a substitute for the ordinance,



under the title of "An Ordinance on the basis of representation as a substitute for an ordinance, entitled an ordinance amending the Constitution on the basis of representation, reported by the committee on the basis of representation," and the amendment was not adopted.

On motion of Mr. Phillips the further consideration of the ordinance was postponed to 10½ o'clock to-morrow morning.

Mr. Love, of Jackson, moved to take up (136) the Constitution and amendments, reported by the Committee to revise the Constitution, and the motion prevailed.

The Constitution was then read by articles and sections.

Article 1, section 9, being read,

Mr. Caldwell, of Guilford, moved to amend by adding to the section the words "but may be for a misdemeanor, but shall not be denied the right of appeal in such cases."

Pending the consideration of this amendment,

On motion of Mr. Walkup, the Convention adjourned to 10 o'clock to-morrow morning.

---

#### THURSDAY, MAY 31st, 1866.

The President called the Convention to order, pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Wilson, for the Committee on the Stay Law, reported : (163) "An Ordinance to amend the Stay Law," in lieu of all matters referred to them, which passed the first reading.

Mr. Phillips moved that the ordinance be printed, and it was agreed to.

Mr. Jones, of Davidson, for the Committee on Salaries and Fees, reported (164) An Ordinance to amend an Act of the late Legislature, entitled "An Act to regulate Salaries and Fees," which passed the first reading.

Mr. McCorkle moved to print the ordinance, and it was agreed to.

Mr. Dockery, from the Committee on Constitutional amendments, reported back (115) an Ordinance in relation to im-



prisonment for debt, and recommended that it do not pass, and asked to be discharged from its further consideration.

By the same, (160) an Ordinance to regulate interest, recommending that it do not pass.

Mr. Winburne, from the Select Committee on (144) an Ordinance to secure the rights of citizens of North-Carolina in the navigable rivers of the State, reported back the same with a substitute and recommended its passage.

He moved to suspend the rule in order to put this ordinance on its second and third readings, and it was not agreed to.

Then, on motion of Mr. Moore, of Wake, the ordinance was ordered to be printed.

Mr. Logan introduced (165) an Ordinance to grant to the County of Polk power of voting with the district or county to which they are attached, in the election of members to the General Assembly, which passed the first reading.

Mr. Moore, of Wake, for the committee to revise the Constitution, reported back (65) An Ordinance concerning the debts of the State hereafter to be contracted, with a substitute, and recommended its passage.

On motion of Mr. Furches, the substitute was ordered to be printed.

Mr. Grissom introduced (166) an Ordinance to authorize the exchange of State Bonds for certain causes, which passed the first reading and, on his motion, was referred to a select Committee of five.

The President appointed Messrs. Grissom, Pool, Caldwell of Burke, Sloan and Warren.

Mr. Phillips introduced (167) a Resolution to have printed, for each officer and member of the Convention, six copies of the abstract of the census of 1860, which passed the several readings, under a suspension of the rules, and was ordered to be enrolled.

By Mr. Mebane, (168) an ordinance to incorporate the Co-operation Association, No. 1 of North-Carolina, which passed the first reading.



By Mr. McIvor, (169) An Ordinance to prevent County Charges, which passed the first reading.

By Mr. Forkner, (170) An Ordinance to provide for the passage of fish through the unnavigable rivers of this State, which passed the first reading.

Mr. Simmons introduced (171) Resolution as follows, which was read and lies over under the rules :

*Resolved*, That no business of a Legislative nature will be entertained, from and after the second day of June next, except such as may be addressed to the Convention, by His Excellency, the Governor of the State.

The hour having arrived, the special order was taken up, being (70) An Ordinance to amend the Constitution on the basis of representation.

Mr. Phillips moved that the special order be postponed that it may come up regularly in the consideration of (136) the Revised Constitution and amendments, and it was agreed to.

#### UNFINISHED BUSINESS.

The reading of (136) Constitution and amendments was resumed, the question being on the amendment offered by Mr. Caldwell, of Guilford,

Mr. Mebane offered an amendment to the amendment as follows :

“The Legislature may, however, provide other modes of trial, with the right of appeal, for misdemeanors.”

This amendment was in the character of a substitute for the amendment of Mr. Caldwell, of Guilford, and was adopted.

Mr. Moore, of Wake, then offered the following as a substitute for the pending amendments :

“*Provided*, That Courts may be established and held in cities and incorporated towns and at the Court Houses, in which may be tried without the intervention of grand or petit Juries, as shall be prescribed by law, all misdemeanors, except such whereof the punishment may be corporal other than imprisonment, whenever the accused shall elect to be so tried: *Provided*, That in all cases where the party may be imprisoned



or fined above fifty dollars, he may appeal to any Court having jurisdiction of the case."

The President announced a communication from His Excellency, the Governor, in relation to Swamp lands, which was read, and

On motion of Mr. Moore, of Wake, referred to a Select Committee of five members.

The President appointed on this Committee, Messrs. Moore of Wake, Thompson, Boyden, Bynum and Dockery.

On motion of Mr. McLaughlin, Mr. Bradley was granted leave of absence from and after to-morrow until Monday next.

Then, on motion of Mr. Logan, at 2:45, P. M., the Convention adjourned to 10 o'clock to-morrow morning.

---

#### FRIDAY, JUNE 1ST, 1866.

The President called the Convention to order, pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Norfleet, delegate from Edgecombe, appeared in his seat to-day.

Mr. Jones of Davidson, presented a memorial from certain citizens of Davidson county, in regard to prosecutions for offences during the war, which was read and referred to the Select Committee on Amnesty.

Mr. Dockery, from the Select Committee to whom was referred the subject of the expediency of selling the Charter of the Western North-Carolina Railroad Company, reported (172) An Ordinance to authorize the sale of the State's interest in the Western North-Carolina Railroad Company, which passed the first reading, and

On motion of Mr. Henry, was ordered to be printed.

Mr. Jones, of Davidson, introduced (173) A Resolution carrying into effect an ordinance of the late Convention, entitled "An Ordinance recognizing the just debts of the State and prohibiting, the payment of all public debts incurred in aid of the rebellion," which passed the first reading.



Mr. Jones, of Henderson, introduced (174) An Ordinance legalizing certain acts of the Courts of Pleas and Quarter Sessions in certain Counties, which passed the first reading and was referred to the Committee of Finance.

Mr. Moore, of Wake, introduced (175) An Ordinance concerning the marriages of persons of color, which passed the first reading.

He moved that the rules be suspended in order that the ordinance may have its second and third readings at this time.

Mr. King moved to refer it to a Select Committee of five.

Mr. Forkner moved to lay the ordinance on the table, and the motion prevailed, yeas 44, nays 39.

On motion of Mr. Grissom, leave of absence was granted Mr. Lyon for one day, on account of illness.

Mr. Jones, of Rowan, introduced (176) An Ordinance to secure a better government for the Insane Asylum, which passed the first reading.

Mr. Wright, for the Committee of Finance, reported back (159) an Ordinance extending the time for the settlement of the public taxes, and

(152) A Resolution for the relief of the people by suspending the collection of taxes, and recommended that they be not adopted.

By the same, from the same committee, on (162) an Ordinance to pay Provisional Judges for holding Courts of Oyer and Terminer, and recommended that it do not pass.

Mr. Warren introduced (177) an Ordinance to authorize W. B. Campbell to collect arrearages of taxes, which passed the first reading, and was referred to the Committee of Finance.

#### UNFINISHED BUSINESS.

The Convention then took up (136) the Constitution and amendments thereto under consideration at the time of adjournment on yesterday, the question being on the amendment of Mr. Moore, of Wake, to the amendment of Mr. Caldwell, of Guilford.



Mr. Moore, of Wake, by consent, offered the following, in lieu of the one offered by him on yesterday :

“ But the General Assembly may establish Courts of Record to be held publicly at stated times and places, by one or more Judges or Justices of the Peace, who may have and determine without any jury, grand or petit, all misdemeanors, the punishment whereof is not corporal, otherwise than by imprisonment, whenever the accused shall consent to be so tried.”

The hour for the consideration of the special order of the day having arrived, being (132) a Resolution declaring what has been done, and to raise a committee to inquire what is necessary to be done to restore the State to the Federal Union,

Mr. Caldwell, of Guilford, moved to postpone the same until the business now before the Convention be disposed of, and the motion was agreed to.

The question then recurred on the amendment of Mr. Moore, of Wake.\*

On which Mr. Wilson asked the yeas and nays, which were ordered, and resulted yeas 8, nays 96.

Those who voted in the affirmative are :

Messrs. Baker, Caldwell of Burke, Conigland, Forkner, Harrison, Moore of Wake, Patterson, Phillips—8.

Those who voted in the negative are :

Messrs. Adams, Alexander, Allen, Bagley, Baines, Barrow, Beam, Bell, Berry, Bingham, Boyden, Bradley, Brickell, Brown, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell of Guilford, Dick, Dickey, Dockery, Eaton, Ellis, Faircloth, Ferebee, Furches, Gabagan, Garland, Garrett, Gilliam, Godwin, Grisson, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Jarvis, Johnston, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, King, Lash, Logan, Love of Chatham, Love of Jackson, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIver, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Murphy, Norfleet, Odom, Pearsall, Perkins, Polk, Richardson, Rumley, Russell, Rush, Satterthwaite, Settle, Simmons, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of



Hyde, Spencer of Montgomery, Starbuck, Stevenson, Stewart, Thompson, Walkup, Ward, Warren, Willey, Wilson, Winburne, Winston—96.

Mr. Smith, of Johnston, offered to amend as follows:

*“And, provided further,* That the Legislature shall provide by law, that the officers who are to try misdemeanors, shall be elected by the people.”

And it was not adopted.

The question then recurred on the amendment of Mr. Mebane, substituted for the amendment of Mr. Caldwell of Guilford.

On this question Mr. Jones, of Rowan, asked the yeas and nays, and the same being ordered, resulted yeas 58, nays 48.

Those who voted in the affirmative are:

Messrs. Adams, Bagley, Beam, Bell, Berry, Boyden, Bradley, Brown, Bryan, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Conigland, Dick, Dickey, Ellis, Forkner, Garland, Garrett, Godwin, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, King, Lash, Logan, Love of Chatham, Love of Jackson, McCauley, Nat. McLean, McRae, Mebane, Moore of Chatham, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Richardson, Russell, Rush, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Walkup, Winburne—58.

Those who voted in the negative are:

Messrs. Alexander, Allen, Baines, Baker, Barrow, Bingham, Brickell, Brooks, Bynum, Dockery, Eaton, Faircloth, Ferebee, Furches, Gahagan, Gilliam, Grissom, Henry, Hodge, Jarvis, Johnston, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIver, N. A. McLean, McLaughlin, Moore of Wake, Polk, Pool, Rumley, Satterthwaite, Settle, Simmons, Sloan, Smith of Anson, Starbuck, Stephenson, Stewart, Swan, Thompson, Ward, Warren, Willey, Wilson, Winston—48.

The reading of article 1 was then resumed, the 13th section having been read,



Mr. Caldwell, of Burke, moved to amend by striking out of the section the words "ought to" and inserting the word "shall," and it was adopted.

Mr. Bynum moved to amend the 7th section by inserting, after the word "testimony," the words "and shall be entitled to counsel for his defense," and it was adopted.

Mr. McDonald, of Moore, moved to take up the special order, which had been postponed, and it was not agreed to.

On motion of Mr. Eaton, leave of absence was granted to Mr. Joyner until Monday next.

The consideration of the Constitution was then resumed.

Section 14th was read:

Mr. Phillips moved to amend by inserting "shall" for "ought to," and it was adopted.

To section 15, Mr. Phillips proposed the same amendment, and it was adopted.

And to section 16, the same amendment was adopted.

In section 17, "shall" for "should."

Section 22, "shall" for "ought to."

Section 23 and 24, the same amendment.

Mr. Moore, of Wake, moved to reconsider the several votes by which the Convention adopted the amendments to the several sections of article 1, substituting "shall" for "ought to" and "should," and the motion prevailed.

He then moved to strike out, wherever it has been inserted, the word "shall" and insert the words at first stricken out.

Mr. Harrison asked the yeas and nays, and they were not ordered.

The question was then put on the motion of Mr. Moore, and it was agreed to.

Mr. Richardson offered the following amendment to the 25th section, as a substitute for the same:

"Slavery and involuntary servitude, otherwise than for crimes, whereof the parties shall be [convicted] *are* hereby forever prohibited within the State."

And it was not adopted.

Mr. Jones, of Davidson, introduced the following as a separate section, to come in between section 25 and 26:



"That all Conventions and Legislatures shall sit with open doors, and their proceedings published without delay."

Which being read, was, by consent, withdrawn.

Mr. Phillips moved that the further consideration of the Constitution be postponed until after the morning business on Monday next, and the motion prevailed.

Then, on motion of Mr. McRae,

The Convention adjourned to 10 o'clock to-morrow morning.

---

### SATURDAY, JUNE 2ND, 1866.

The Convention was called to order by the President, pursuant to adjournment.

Prayer by Rev. H. T. Hudson of the M. E. Church.

The journal of yesterday was read and approved.

Mr. Wright, from the Committee of Finance, to whom was referred (125) An Ordinance to amend the Charter of the Governor's Creek Transportation and Mining Company, reported back the same, and recommended its passage, with the following amendment, as an additional section:

*"Be it further ordained,* That this ordinance shall not take effect until said corporation shall comply with the provisions of section first and second, under schedule C, of the Act of the General Assembly, entitled "Revenue," ratified March 12th, 1866."

The Committee on enrollments reported, as correctly enrolled: "A Resolution to print additional copies of an abstract of the Census of 1860;" and the same was ratified in open Convention.

Mr. Caldwell, of Guilford, for the Finance Committee, reported back (148) A Resolution to pay the Commissioners appointed to report to the General Assembly on the subject of Freedmen, which had been referred to that Committee, and recommended its passage, with an amendment to pay two hundred and fifty dollars to each of the Commissioners.



Mr. Brooks introduced (148) An Ordinance concerning widows who have qualified as executrix to the last wills and testaments of their husbands, which passed the first reading.

Mr. Moore, of Wake, from the Committee to revise the Constitution, to whom was referred (147) An Ordinance providing for the election of a Lieutenant-Governor, reported back the same, with a substitute, and recommended its passage.

Mr. Satterthwaite introduced (179) A Resolution allowing compensation to the Principal Secretary to the Convention, which passed the first reading.

Mr. Caldwell, of Guilford, moved to take up (89) An Ordinance to scale the public debt of North-Carolina, and the motion prevailed.

He then asked to be allowed to withdraw the same from the calendar, and leave was granted.

Mr. Fairecloth introduced (180) A Resolution directing the Secretary of State to have the necessary binding for this Convention done at the Deaf and Dumb and the Blind Institute, which passed the first reading.

He then moved to suspend the rule and put the resolution upon its passage. The motion was agreed to, and the resolution was adopted and ordered to be enrolled.

On motion of Mr. McKay, of Harnett, the ordinance (162) to pay the Provisional Judges of Courts of Oyer and Terminer, which was reported on yesterday unfavorably by the Finance Committee, was recommitted to the same committee.

#### BUSINESS ON THE CALENDAR.

(63) An Ordinance in relation to the debts of the State hereafter to be contracted, was read, and

On motion of Mr. Moore, of Wake, postponed to come up in order, in the consideration of the Constitution.

Mr. Moore, of Wake, introduced (181) An Ordinance to amend the Charters of the Union Mining Company of the county of Rowan, and the Rudicil Gold Mining Company, in



the county of Mecklenburg, passed at the late session of the General Assembly, which passed the first reading.

He then moved to suspend the rule and put the Ordinance on its second and third readings at this time, and the motion prevailed.

The ordinance was then read the second time.

Mr. Wright moved to amend as follows:

*"Provided,* That this ordinance shall not take effect until the said corporations shall comply with the provisions of sections first and second, under schedule C, of the Act of the General Assembly, entitled "Revenue," ratified March 12th, 1866."

Mr. Brown moved to lay the whole subject on the table. Not agreed to—yeas 32, nays 36.

The amendment of Mr. Wright was then adopted.

Mr. McRae moved to refer the ordinance to the Committee of Finance, and the motion did not prevail.

The ordinance, as amended, then passed the second and third readings, and was ordered to be enrolled.

Mr. Harrison introduced (182) A Resolution in relation to privies and water closets, which was read and adopted, and ordered to be enrolled.

On motion of Mr. McDonald, of Moore, (132) Resolutions declaring what has been done, and appointing a Committee to inquire what is necessary to be done to restore the State to the Federal Union, was taken up for consideration.

He moved to amend the same by striking out of the fourth resolution "five" and inserting "seven," and the amendment was adopted.

Also, to amend the last resolution by striking out the words "Speakers of the Senate and House of Representatives," and inserting "President of the Senate and Speaker of the House of Representatives."

Mr. Richardson moved to lay the whole subject on the table.

On this motion Mr. Harris, of Rutherford, asked the yeas and nays, which were ordered, and resulted yeas 20, nays 71.

Those who voted in the affirmative are:

Messrs. Brickell, Clark, Conigland, Faircloth, Ferebee,



Furches, Love of Jackson, Mebane, Norfleet, Pearsall, Perkins, Person, Richardson, Russell, Spencer of Hyde, Walkup, Winston, Winburne, Wright—20.

Those who voted in the negative are:

Messrs. Alexander, Allen, Bagley, Baines, Baker, Barrow, Bell, Bingham, Boyden, Brown, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Dick, Dickey, Dockery, Ellis, Forkner, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Johnston, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, King, Lash, Logan, Love of Chatham, McCauley, McCorkle, McKay of Harnett, McDonald of Moore, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Patterson, Polk, Rumley, Rush, Satterthwaite, Settle, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Thompson, Ward, Warren, Willey, Wilson—71.

Mr. Polk moved to refer the resolutions to a Select Committee of seven, and it was not agreed to.

Mr. Jones, of Rowan, moved to reconsider the last motion, and the motion prevailed.

The motion of Mr. Polk was then adopted, and the President appointed Messrs. McDonald of Moore, Polk, N. A. McLean, Boyden, McGehee, Buxton and Thompson.

On motion of Mr. Jones, of Davidson, leave of absence was granted Mr. Adams until Monday morning next.

Then, on motion of Mr. Ferebee, at 2 o'clock, the Convention adjourned to 10 o'clock Monday morning.

---

#### MONDAY, JUNE 4TH, 1866.

The President called the Convention to order, pursuant to adjournment.

Prayer by Rev. J. M. Atkinson, of the Presbyterian Church.

The journal of Saturday was read and approved.

The Committee on enrolments reported as correctly enrolled



the following ordinance and resolutions, which were duly ratified in open Convention :

An Ordinance to amend the Charters of the Union Mining Company in the county of Rowan, and the Rudicil Mining Company of the county of Mecklenburg, passed at the late session of the General Assembly.

A Resolution directing the Secretary of State to have the necessary binding of this Convention done at the Deaf and Dumb and Blind Institute.

A Resolution in relation to privies and water closets.

On motion of Mr. Moore, of Wake, the substitute reported by the Committee for (132) An Ordinance providing for the election of a Lieutenant-Governor, was taken up and ordered to be printed.

Mr. Ward introduced (183) An Ordinance to incorporate the North-Carolina Petroleum and Mining Company, which passed the first reading, and on his motion was referred to a committee of five, to be styled "The Committee on Corporations;" which Committee is made a standing committee of the Convention.

The President appointed Messrs. Ward, McKay of Harnett, Willey, McLaughlin and Richardson, to constitute said committee.

Mr. Caldwell, of Guilford, introduced (184) An Ordinance for exchanging the stock of the State for bonds issued before the year 1861; which passed the first reading, and was ordered to be printed.

By Mr. McRae, (185) An Ordinance to give additional power to the Fayetteville and Florence Railroad Company; which passed the first reading and was referred to the Committee on a Circulating Medium.

On motion of Mr. Smith, of Wilkes, (170) An Ordinance to provide for the passage of fish through the unnavigable rivers of the State, was taken up and ordered to be printed.

Mr. Grissom introduced (187) as follows :

*Resolved*, That from and after to-day, this Convention hold evening sessions, commencing at 4½ o'clock, which was read.



He proposed to suspend the rules and consider the resolution at this time, and it was not agreed to.

Mr. Wright, from the Finance Committee, to whom was referred the memorial of Thomas D. Fleury, asking to be released from the payment of pedlar's tax, reported (136) An Ordinance for the relief of Thomas D. Fleury, which passed the first reading.

Mr. Pearsall moved that the rules be suspended in order that he might make a motion to lay the ordinance on the table; and it was not agreed to.

#### UNFINISHED BUSINESS.

The unfinished business on the Calendar, under consideration at the hour of adjournment on Friday last, and which was postponed to this morning, being (136) the Constitution and amendments thereto, was then taken up and the second reading continued.

Mr. Phillips offered the following as section 27 to article 1:

"All Courts shall be open, and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice be administered without sale, denial or delay;" and it was adopted.

And the following as section 28 of the same article:

"No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war but in a manner to be prescribed by law;" and it was adopted.

Mr. Phillips then moved to strike out section 26 of article I, but withdrew the motion.

#### ARTICLE II, LEGISLATIVE DEPARTMENT.

Sections 1 to 13 inclusive were passed over informally.

Mr. Moore, of Wake, moved to amend the article by adding an additional section to come in after 13, as follows:

"The style of the laws and acts shall be: "Be it enacted by the General Assembly of North-Carolina as follows:" and it was adopted.



Also, as section 15 to the same article, as follows:

"Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he is constitutionally qualified to take his seat."

Mr. Buxton moved to amend the amendment by adding the words "to the best of his knowledge and belief;" and it was agreed to.

As thus amended the amendment was adopted—yeas 88, nays 11, the yeas and nays being ordered, on motion of Mr. Logan.

Those who voted in the affirmative are:

Messrs. Alexander, Bagley, Baines, Baker, Barrow, Beam, Bell, Berry, Boyden, Bradley, Brickell, Burgin, Buxton, Caldwell of Guilford, Clark, Conigland, Cowper, Dick, Dickey, Eaton, Forkner, Furches, Gahagan, Garland, Garrett, Gilliam, Godwin, Harris of Guilford, Harrison, Haynes, Henry, Hodge, Jackson, Johnston, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, King, Lash, Love of Chatham, Love of Jackson, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Patterson, Pearsall, Perkins, Phillips, Polk, Richardson, Rumley, Russell, Rush, Settle, Simmons, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Thompson, Walkup, Ward, Warren, Willey, Williams, Wilson, Winburne, Winston, Wright—88.

Those who voted in the negative are:

Messrs. Allen, Bingham, Brown, Bryan, Ellis, Foy, Grissom, Harris of Rutherford, Logan, Lyon, Person—11.

Sections 16 to 22 inclusive passed the second reading.

Section 23 was read.

Mr. Smith, of Johnston, moved to amend by striking out, after the word "house," the words, "by one-fifth of the members present;" and it was not agreed to.

The section then passed the second reading, and section 24 was read.



Mr. Grissom moved to amend by inserting, after the word "Treasurer," the word "Comptroller;" on which he asked the yeas and nays, and they were not ordered.

The amendment was then rejected.

Mr. Phillips moved to amend by striking out the words, "and Councillors of State;" and it was adopted—yeas 47, nays 35.

On motion of Mr. Moore, of Wake, the vote by which section 19 of this article passed the second reading, was reconsidered.

Mr. Ferebee then moved to amend the same by striking out the words "before the meeting of the General Assembly," and insert the words "whenever the General Assembly is not in session;" and it was adopted.

Mr. Eaton, to amend by adding, after the word "writs," in the same section, the words "of election;" and it was adopted.

The section, as amended, then passed the second reading.

#### ARTICLE III, EXECUTIVE DEPARTMENT.

In this article, section 2nd being read,

Mr. Furches moved to strike out the words "or above," and insert the words "at least;" and it was agreed to.

Mr. Logan moved to amend by striking out "five" and inserting in lieu thereof the words "ten years immediately previous to his election;"

On which he asked the yeas and nays; which being ordered, the amendment was not adopted—yeas 33, nays 62.

Those who voted in the affirmative are:

Messrs. Alexander, Bagley, Bingham, Caldwell of Guilford, Cowper, Dickey, Dockery, Ferebee, Garland, Garrett, Harris of Rutherford, Haynes, Henry, Johnston, Jones of Davidson, Logan, Love of Chatham, Lyon, McCauley, McCorkle, McDonald of Moore, McIvor, Nat. McLean, McRae, Moore of Chatham, Murphy, Person, Simmons, Smith of Johnston, Stewart, Swan, Willey, Winburne—33.

Those who voted in the negative are:



Messrs. Allen, Baines, Baker, Bell, Berry, Boyden, Brickell, Brown, Bryan, Burgin, Buxton, Clark, Conigland, Dick, Eaton, Ellis, Forkner, Foy, Furches, Gahagan, Gilliam, Godwin, Grissom, Harris of Guilford, Harrison, Hodge, Jackson, Jones of Henderson, Jones of Rowan, Joyce, King, Lash, Love of Jackson, McKay of Harnett, McDonald of Chatham, McGehee, N. A. McLean, McLaughlin, Moore of Wake, Norfleet, Patterson, Pearsall, Perkins, Polk, Richardson, Rumley, Russell, Rush, Settle, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stevenson, Thompson, Walkup, Ward, Warren, Williams, Wilson, Winston—62.

Mr. Logan then moved to strike out "five" and insert "ten;" and it was not agreed.

Mr. Moore, of Wake, by consent, introduced (168) A Substitute for article 4, except sections 3 and 4, of the Constitution, as adopted by the Committee to revise the Constitution; which passed the first reading, referred to the Committee to revise the Constitution, and ordered to be printed.

The unfinished business was then resumed.

On motion of Mr. Moore, of Wake, sections 1 to 8 inclusive of the article under consideration were informally passed over. Also,

#### ARTICLE IV, JUDICIARY.

was informally passed over.

#### ARTICLE V, DISQUALIFICATIONS FOR OFFICE.

Section 1 was read.

Mr. Moore, of Wake, moved to amend by striking out of the second line the word "or" and inserting the word "and," and it was adopted, and the section, as amended, passed the second reading.

Sections 2 to 6 inclusive were read and passed the second reading.

Article VI, Impeachments, was read by sections and passed the second reading.



Article VII was read by sections and passed the second reading.

Article VIII was read.

Mr. Caldwell, of Guilford, moved to strike out all after the word "laws," in the 11th line; and, on this motion, asked the yeas and nays.

On motion of Mr. Moore, of Wake, this article was passed over informally for the present.

Mr. Jones, of Rowan, moved to take up for consideration (176) An Ordinance to provide better government for the Insane Asylum; and it was not agreed to—yeas 35, nays 42.

Then, on motion of Mr. Moore, of Wake, the Convention adjourned to 10 o'clock to-morrow morning.

---

## TUESDAY, JUNE 5TH, 1866.

The President called the Convention to order, pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Ferebee introduced (189) A Resolution as follows:

"*Resolved*, That a Committee of five be appointed by the Chair to inquire whether the objects for which this Convention was called have not been accomplished, and that they report a resolution fixing a time for the adjournment of the same."

Which was read and lies over under the rule.

Mr. Jones, of Rowan, introduced (190) An Ordinance restraining the taking of excessive usury; which passed the first reading.

By Mr. Walkup, (191) An Ordinance extending the time for perfecting titles to land sold for taxes; which passed the first reading.

By Mr. Grissom, (192) An Ordinance concerning wills; which passed the first reading.

Mr. Grissom moved to take up (130) An Ordinance to amend the Stay Law; and the motion prevailed.

The substitute recommended by the Select Committee was read the second time.



Mr. Grissom moved to amend by inserting after the words "Superior Courts," wherever they occur in section three of the Stay Law, the words "or County Courts."

Mr. Phillips moved to recommit the ordinance to the Select Committee, and the motion prevailed.

Mr. Phillips introduced (193) A Resolution as follows:

"*Resolved*, That a Committee of five be appointed by the President to inquire into the expediency of lighting the Capitol with gas, and that they report by ordinance or otherwise."

The rule was, on motion, suspended, and the resolution adopted.

The President appointed, on this Committee, Messrs. Harrison, McRae, Bingham, Smith of Wilkes, and Joyner.

Mr. Moore, of Wake, for a majority of the Committee to revise the Constitution, reported back (188) a substitute for article 4, of the Constitution, and recommended its adoption.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of those sections and articles of the Constitution and amendments, which were informally passed over on the second reading.

Article III, Executive Department, was taken up.

(127) An Ordinance for the election of a Lieutenant-Governor, as an amendment to the Constitution, and the substitute recommended by the committee, were read.

Mr. Moore, of Wake, moved to amend the first section by inserting the particle "a" before "Lieutenant-Governor," and it was agreed to.

The question then being on the adoption of the first section,

Mr. Harris, of Rutherford, asked the yeas and nays, and the same being ordered, resulted—yeas 94, nays 11.

Those who voted in the affirmative are:

Messrs. Baker, Bingham, Bryan, Clark, Forkner, Furches, Gahagan, Garland, Grissom, Harris of Rutherford, Harrison, Haynes, Henry, Jones of Henderson, Joyce, Logan, Lyon,



McCorkle, McDonald of Chatham, Person, Richardson, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Stewart, Swan, Ward—28.

Those who voted in the negative are :

Messrs. Adams, Alexander, Allen, Bagley, Baines, Barrow, Beam, Bell, Berry, Boyden, Bradley, Brickell, Brooks, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Conigland, Cowper, Dick, Dickey, Dockery, Eaton, Ellis, Ferebee, Foy, Garrett, Gilliam, Godwin, Harris of Guilford, Hodge, Jackson, Johnston, Jones of Davidson, Jones of Rowan, Joyner, King, Lash, Love of Chatham, Love of Jackson, McCauley, McKay of Harnett, McDonald of Moore, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, - Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Phillips, Polk, Russell, Rush, Simmons, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Warren, Wilson, Winburne, Winston—75.

The President appointed the following additional members on the Committee of the Stay Law :

Messrs. Ferebee and Norfleet.

Also, on the same, Mr. Joyce in place of Mr. Settle, who requested to be relieved on account of being on other important committees.

Then, on motion of Mr. Phillips, the Convention adjourned to 10 o'clock to-morrow morning.

---

### WEDNESDAY, JUNE 6TH, 1866.

The Convention was called to order by the President, pursuant to adjournment.

Prayer by Rev. R. S. Mason, D. D., of the Protestant Episcopal Church.

Mr. Rumley asked and obtained leave to have his vote recorded in the negative, on the proposition yesterday, to abolish the property qualification for the offices of Governor and Lieutenant-Governor.



Mr. Jarvis introduced a petition of A. E. Jacobs, asking to be relieved from the payment of billiard tax; which was read, and, on motion, referred to the Committee of Finance.

Mr. Buxton presented the petition of Henry Ingram, praying the Convention to do something for him in the way of giving him a start in the world; which was read and lies on the table.

Mr. Adams presented a memorial from certain citizens of Davidson county, praying for an amendment of the Constitution so as to provide for the election of Judges, Justices, &c., which was read and referred to the Committee on Constitutional amendments.

Mr. Ward, for the Committee on Corporations, to whom was referred (183) An Ordinance to incorporate the North-Carolina Petroleum and Mining Company, reported back the same and recommended its passage.

Mr. Settle moved to suspend the rule, in order to give the ordinance its second and third readings at this time.

The motion was agreed to, and the ordinance was read the second time.

Mr. McKay, of Harnett, moved to amend as follows:

*"Be it further ordained,* That this ordinance shall not take effect until sections 1 and 2, schedule C, of the Act of the General Assembly, entitled 'Revenue,' shall be complied with;" and it was adopted.

The ordinance, as amended, then passed the second and third readings, and was ordered to be enrolled.

Mr. Jones, of Davidson, moved to take up, for consideration, (173) A Resolution to carry into effect an ordinance of the late Convention, entitled "An Ordinance recognizing the just debts of the State," &c.

The motion prevailed, and the resolution was read and adopted.

The President appointed to constitute the committee contemplated in this resolution, Messrs. Jones of Rowan, Baker, Eaton, Lash, McRae, Dick, Logan, McGehee, and Jones of Davidson.



Mr. Foy moved to take up for consideration (171) A Resolution limiting the action of the Convention, and it was not agreed to.

Mr. Foy then moved to take up (117) An Ordinance for the relief of the people who have sustained losses by the war, and have the same printed ; and it was agreed to.

Mr. Allen introduced (194) An Ordinance limiting the action of Railroad Companies, which passed the first reading and was referred to the Committee on Corporations.

Mr. Walkup introduced (195) An Ordinance for the speedy trial of minor offences, which passed the first reading.

Mr. Grissom, for the Select Committee, to whom was referred (166) An Ordinance to authorize the exchange of State bonds for certain causes, reported back the same, with an amendment, and recommended its passage.

He moved to suspend the rules of order for the consideration of the ordinance at this time, and the motion prevailed.

Mr. Buxton offered an amendment, when

Mr. Moore, of Wake, moved to refer the ordinance and amendments of the Committee, and the motion prevailed.

Mr. McDonald, of Moore, moved to take up for consideration (132), known as the resolution to send Commissioners to Washington, and it was not agreed to.

Mr. Ferebee moved to take up (189) A Resolution to raise a committee to report on business, and it was not agreed to.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of (136) the Constitution and amendments thereto, as unfinished business.

The question being on the adoption upon the second reading of section 2 of article 3,

Mr. Winston moved to amend the section by inserting, before the word "native," in line 31, the word "white," and the amendment was adopted.

Mr. McCorkle, to amend by inserting after the word "States," in line 3, the words "or a citizen of this State and of the United States for the past five years."



On motion of Mr. Moore, of Wake, the further consideration of this section was informally passed over for the present.

Section 3 was read.

Mr. Moore, of Wake, moved to amend by striking out of line 5 the word "be," and insert the words "have been," and it was adopted.

Section 4 was read.

Mr. Moore, of Wake, moved to strike out, after the word "office," in line 12, the words "for which they were voted;" and it was agreed to.

Mr. Winston, to strike out of line 4, the word "Senate," and insert the words "House of Commons," and it was agreed to.

Section 5 was read.

Mr. Phillips moved to amend by inserting after the word "by," in line 2, the words "joint vote of," and it was adopted.

Mr. Logan introduced the following as a separate section to come in between 6 and 7:

"The Governor and Lieutenant-Governor shall each take an oath that, to the best of their knowledge and belief, they are eligible, under the Constitution and laws of the State, to the offices to which they have been severally elected."

And it was adopted.

Sections 7, 8, 9 and 10 were severally read and passed the second reading.

Section 11 was read.

Mr. Furches moved to amend as follows:

Strike out all after the word "and," at the end of the second line, and insert "while he acts as President of the Senate he shall receive for his services the same compensation that shall be allowed to the Speaker of the House of Commons, and no more; and during the time he may administer the government, as Governor, he shall receive the same compensation that the Governor elect would have received had he been employed in the duties of his office, and no more."

And the amendment was not adopted.



Mr. Caldwell, of Burke, moved to strike out of this section all after the word "law," in the third line.

Mr. Henry, to amend the amendment by striking out only the words "increased or;" and it was not agreed to.

The amendment of Mr. Caldwell, of Burke, was then adopted.

Mr. Logan then moved to amend section 10 as follows:

Strike out all after the word "Commons," and insert "Speakers of the Senate and House of Commons shall continue in office for the purpose of filling the vacancy until their successors are qualified."

And it was not adopted.

Mr. Moore, of Wake, moved to amend section six, as follows:

In line 5, strike out the words "Chief Justice of the Supreme Court," and insert "any Justice of the Supreme Court."

And it was agreed to.

He also offered, as a separate section, the following to come in between sections 10 and 11:

"In case of vacancy in the office of Governor, the Lieutenant-Governor or any other officer called to fill the office, shall be qualified before any Justice of the Supreme Court."

And it was adopted.

Article IV, Judiciary Department, was taken up.

Mr. Moore, of Wake, moved to strike out the entire article, except sections 3 and 4, and consider the substitute for the same, recommended by the committee; and it was agreed to.

Section 1 of the substitute was read and passed.

Section 2 was read.

Mr. Thompson moved to amend by striking out of line 2 the words "or four."

Mr. Clark demanded the yeas and nays on this question; which being ordered, the amendment was adopted—yeas 73, nays 33.

Those who voted in the affirmative are:

Messrs. Allen, Bagley, Baines, Baker, Barrow, Beam, Berry, Bradley, Brickell, Brooks, Bryan, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Cowper, Dickey, Eaton, Ellis, Forkner, Furches, Gahagan, Garland, Garrett, Godwin, Harris



of Guilford, Haynes, Johnston, Jones of Davidson, Jones of Henderson, Joyce, Joyner, King, Lash, Love of Chatham, Love of Jackson, Lyon, McCauley, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, Nat. McLean, McRae, Mebane, Moore of Chatham, Murphy, Odom, Pearsall, Perkins, Person, Phillips, Polk, Rumley, Russell, Settle, Simmons, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Starbuck, Stewart, Swan, Thompson, Walkup, Ward, Willey, Williams, Wilson, Winburne, Winston—73.

Those who voted in the negative are:

Messrs. Adams, Alexander, Bell, Bingham, Boyden, Clark, Conigland, Dick, Dockery, Ferebee, Foy, Gilliam, Grissom, Harris of Rutherford, Harrison, Henry, Jackson, Jarvis, Jones of Rowan, Logan, McCorkle, McKoy of Sampson, N. A. McLean, McLaughlin, Moore of Wake, Norfleet, Patterson, Richardson, Rush, Smith of Anson, Spencer of Montgomery, Stephenson, Wright—33.

On motion of Mr. Winston, indefinite leave of absence was granted Mr. Johnston of Washington.

On motion of Mr. Grissom, (187) A Resolution for evening sessions was taken up for consideration.

The resolution being read,

Mr. Henry moved to lay it on the table.

On this question Mr. Grissom asked the yeas and nays; which being ordered, the motion did not prevail—yeas 40, nays 64.

Those who voted in the affirmative are:

Messrs. Allen, Baker, Barrow, Bingham, Burgin, Caldwell of Burke, Conigland, Dick, Dickey, Ellis, Foy, Garland, Garrett, Godwin, Harris of Rutherford, Harrison, Henry, Jones of Rowan, Lash, Logan, Love of Jackson, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, Moore of Wake, Murphy, Norfleet, Patterson, Rumley, Smith of Johnston, Smith of Wilkes, Starbuck, Stewart, Swan, Thompson, Williams, Winburne, Wright—40.

Those who voted in the negative are:

Messrs. Adams, Alexander, Bagley, Baines, Bell, Berry,



Boyden, Bradley, Brickell, Brooks, Bryan, Buxton, Caldwell of Guilford, Clark, Cowper, Dockery, Eaton, Forkner, Ferebee, Furches, Gahagan, Gilliam, Grissom, Harris of Guilford, Haynes, Jackson, Jarvis, Johnston, Jones of Davidson, Jones of Henderson, Joyce, Joyner, King, Love of Chatham, McKoy of Sampson, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Odom, Pearsall, Perkins, Person, Phillips, Polk, Richardson, Russell, Rush, Settle, Simmons, Sloan, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Stephenson, Walkup, Ward, Willey, Wilson, Winston—64.

Mr. Henry moved that the Convention do now adjourn to 10 o'clock to-morrow morning.

On this motion Mr. Furches asked the yeas and nays; which being ordered, resulted—yeas 47, nays 56.

Those who voted in the affirmative are:

Messrs. Alexander, Allen, Baines, Bingham, Brickell, Buxton, Caldwell of Burke, Conigland, Cowper, Dick, Dickey, Ellis, Foy, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Harrison, Henry, Jones of Rowan, Joyner, Lash, Logan, Love of Jackson, McCauley, McCorkle, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McIvor, N. A. McLean, Nat. McLean, McRae, Moore of Wake, Murphy, Norfleet, Patterson, Smith of Johnston, Smith of Wilkes, Starbuck, Stewart, Swan, Thompson, Williams, Winburne, Wright—47.

Those who voted in the negative are:

Messrs. Adams, Bagley, Baker, Barrow, Bell, Berry, Boyden, Bradley, Brooks, Bryan, Burgin, Caldwell of Guilford, Clark, Dockery, Eaton, Forkner, Ferebee, Furches, Gahagan, Gilliam, Godwin, Grissom, Haynes, Jackson, Jarvis, Johnston, Jones of Davidson, Jones of Henderson, Joyce, King, Love of Chatham, McGehee, McLaughlin, Mebane, Moore of Chatham, Odom, Pearsall, Perkins, Person, Phillips, Polk, Richardson, Russell, Rush, Settle, Simmons, Sloan, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Stephenson, Walkup, Ward, Willey, Wilson, Winston—56.



The question recurred on the adoption of the resolution for evening sessions, and it was agreed to—yeas 51, nays 42.

Mr. Conigland was appointed by the President on the Committee on the war debt, in place of Mr. Eaton, relieved at his own request.

Then, on motion of Mr. Mebane,

The Convention adjourned to 10 o'clock to-morrow morning.

---

#### THURSDAY, JUNE 7TH, 1866.

The President called the Convention to order, pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Caldwell, of Burke, to whom was referred (106) An Ordinance to grant a general amnesty, and amendments thereto, reported back the same, with a substitute for the same, and recommended its passage.

The substitute was read and passed the first reading, and

On motion of Mr. Phillips, was ordered to be printed.

Mr. Wilson, for the Committee on the Stay Law, to whom was referred the subject of amending the Stay law of the General Assembly, reported a substitute for the former substitute to (130) the Ordinance to amend the Stay law, and recommended its passage.

Mr. Grissom moved that the ordinance be printed, and made the special order for to-morrow, 8th, at 11 o'clock, a. m.

Mr. Phillips moved to recommit the subject to the Select Committee, with instructions to report an ordinance, which shall be a substitute for the Stay law now in force, and the motion prevailed.

Mr. Grissom asked to be relieved from serving on the Select Committee on the Stay law, and the President appointed Mr. Conigland in his place.

Mr. Gilliam, for the Committee on Constitutional amendments, reported back (129) An Ordinance prohibiting the General Assembly from conferring appointments upon members thereof, and recommended that it do not pass.



Mr. Mebane, for the same committee, reported back (138) An Ordinance in relation to debts incurred by the counties in aid of the rebellion, and recommended that it do not pass.

Mr. Logan, for the Committee on a Circulating Medium, reported back (185) An Ordinance to give additional powers to the Fayetteville and Florence Railroad Company, and recommended its passage.

Mr. Caldwell, of Burke, for the Committee on Constitutional amendments, to whom was referred a petition of certain citizens of Davidson county in regard to the election of Judges, Justices and other officers, reported back the same and asked to be discharged from its further consideration, and the report was concurred in.

Mr. McIvor introduced a Resolution (196) as follows:

*“Resolved, That Hons. B. F. Moore, Bedford Brown, Lewis Thompson, Nathaniel Boyden, and Alfred Dockery, be appointed to wait upon the President of the United States, and inform him that the Convention of the people of North-Carolina, called together under his authority, is about to close the labors for which it was convened, and to give to him the highest assurances of the confidence of the people of this State in his administration, of their gratitude for his magnanimity, and of their determination to look to the Union of the States, under the Constitution, as the only hope of safety and of freedom, and that they confer with him as to any further action by this Convention.”*

Mr. Buxton moved to suspend the rules in order to put the resolution on its passage at this time.

On this question Mr. Harris, of Rutherford, asked the yeas and nays, which were ordered, and resulted yeas 60, nays 39, two-thirds not voting to suspend.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Baines, Baker, Barrow, Beam, Bell, Bingham, Bradley, Brooks, Bryan, Buxton, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Ellis, Forkner, Furches, Gahagan, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, King,



Lash, Logan, Love of Chatham, Lyon, McCauley, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McIvor, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Odom, Rumley, Russell, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Starbuck, Stephenson, Stewart, Swan, Walkup, Ward, •Williams, Wilson—60.

Those who voted in the negative are :

Messrs. Allen, Bagley, Berry, Brickell, Burgin, Clark, Conigland, Cowper, Eaton, Foy, Gilliam, Godwin, Jackson, Jarvis, Joyner, Love of Jackson, McCorkle, McKoy of Sampson, McGehee, N. A. McLean, Mebane, Moore of Wake, Norfleet, Patterson, Perkins, Phillips, Polk, Richardson, Rush, Satterthwaite, Simmons, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Warren, Willey, Winburne, Winston, Wright—39.

Mr. Bingham moved that the resolution be printed, and made the special order for to-morrow, 8th, at 5 o'clock, p. m., and the motion prevailed.

Mr. Caldwell, of Burke, introduced (197) Resolution as follows :

“ *Resolved*, That from and after to-day this Convention shall meet at 9 o'clock, a. m., and remain in session until 3 o'clock, p. m., and that there shall be no afternoon or evening sessions until further order.”

He moved to suspend the rules in order to consider the resolution at this time, and the motion prevailed.

The resolution was then read and adopted.

Mr. Dick moved to take up for consideration (132) a Resolution declaring what has been done, and raising a committee to inquire what is necessary to be done to restore the State to the Federal Union ; and on this motion he asked the yeas and nays.

After some discussion,

Mr. Dick changed his motion, so as to take up these resolutions, and also (196) resolution to send delegates to Washington, be taken up and made the special order for to-morrow, 8th, at 12 o'clock, m.



Mr. Moore, of Wake, offered the following as a substitute for Mr. Dick's motion :

*"Resolved, That the Convention will consider the Constitution from the hour of 11, a. m., till 2, p. m., till the consideration is completed."*

And it was adopted.

Mr. Dick then moved that (196) and (132) be made the special order for to-morrow, 8th, at 2 o'clock, p. m., and the motion prevailed.

Mr. Settle, from the Committee on the War Debt, to whom was referred a resolution of inquiry in regard to appropriations to the Chatham Railroad, reported back the same, and asked that it be referred to the committee to classify the debts of the State, and it was so referred.

Mr. Furches introduced (197) An Ordinance providing for the appointment of Justices of the Peace, which passed the first reading, and was ordered to be printed.

Mr. Satterthwaite moved to take up for consideration (118) An Ordinance repealing provisos of section 9 of an Act of the General Assembly, entitled "An Act concerning negroes and persons of color, or of mixed blood, and for other purposes," and (119) An Ordinance modifying section 11 of an act, entitled "An Act concerning negroes and persons of color, or of mixed blood," and the motion prevailed.

No. (118,) with the report of the Committee thereon was read, and

The question being on the passage of the ordinance, on its second reading,

Mr. Clark asked the yeas and nays, and the same being ordered, resulted—yeas 82, nays 20.

Those who voted in the affirmative are :

Messrs. Adams, Alexander, Bagley, Baines, Baker, Barrow, Beam, Bell, Berry, Bingham, Boyden, Bradley, Brickell, Brown Brooks, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Clark, Conigland, Dick, Dickey, Dockery, Eaton, Ellis, Forkner, Furches, Gahagan, Garland, Garrett, Gilliam, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Jackson, Jones of Davidson, Jones of Henderson, Jones of



Rowan, Joyce, Joyner, King, Lash, Logan, Love of Jackson, Lyon, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, Nat McLean, McLaughlin, McRae, Mebane, Moore of Wake, Norfleet, Odom, Patterson, Phillips, Polk, Richardson, Rumley, Rush, Satterthwaite, Settle, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Ward, Warren, Williams, Wilson—82.

Those who voted in the negative are:

Messrs. Allen, Bryan, Cowper, Foy, Godwin, Harrison, Henry, McKoy of Sampson, N. A. McLean, Moore of Chatham, Pearsall, Perkins, Person, Russell, Simmons, Smith of Johnston, Stewart, Swan, Willey, Winburne, Winston—20.

Mr. Satterthwaite then moved to suspend the rules, and the ordinance be put upon its third reading, at this time, and the motion prevailed.

The ordinance was then read and passed the third reading, and was ordered to be enrolled.

(119) was then taken up, and the substitute reported by the Committee was read the second time.

Mr. Conigland moved the following as an amendment to the original ordinance:

Strike out from the title the word "repealing," and insert "amending," and after the word "be," in the third line of the printed ordinance, strike out the words "and the same is hereby repealed," and insert "is hereby amended by striking out the words 'of color.'"

Mr. Smith, of Johnston, moved to lay the whole subject on the table, and it was not agreed to.

The question recurred on Mr. Conigland's motion, and pending the consideration of the same,

On motion of Mr. Grissom, the Convention adjourned to 10 o'clock to-morrow morning.



FRIDAY, JUNE 8TH, 1866.

The President called the Convention to order at 9 o'clock, pursuant to the resolution adopted yesterday.

The journal of yesterday was read and approved.

Mr. Dockery, for the Committee on Constitutional amendments, to whom was referred an ordinance to amend section 6 of the Constitution of this State, and article 1, section 3, clause 1, of the amended Constitution; an ordinance to amend section 6, of the Constitution of the State, and article 1, section 3, and clause 1 of the amended Constitution; an ordinance to amend article 1, section 3, clause 1, of the amended Constitution in regard to the qualification of Senators; an ordinance to amend section 3 of article 1 of the amended Constitution, and also the 6th section of the same; an ordinance to amend section 6, Constitution of North-Carolina with regard to qualification of members of the House of Commons; an ordinance to amend section 3, clause 3, amended Constitution of North-Carolina, with regard to persons of color; and a resolution instructing the committee to inquire into the expediency and propriety of so amending the Constitution of the State as to require a property qualification in real estate of a fixed value, instead of a certain number of acres of land for members of the General Assembly, reported back the same, and as the subjects embraced in these ordinances had been duly considered by the committee to revise the Constitution, asked to be discharged from the further consideration of the same; and the report was concurred in.

Mr. McKoy, of Sampson, presented a petition from Cooper Huggins, asking to be relieved from certain requirements of the Revenue law; which was read, and, on motion, referred to the Committee of Finance.

Mr. Mebane introduced the following resolution, which was read and lies over under the rules:

*Resolved*, That this Convention adjourn *sine die* at 7 o'clock a. m., on Tuesday, 12th inst.



Mr. Patterson introduced (199) An Ordinance to provide a mode by which the just debts of the State may be ascertained, which was read, and, on motion, referred to the committee to classify the debts of the State, and ordered to be printed.

Mr. Grissom introduced (200) An Ordinance to amend an act passed by the late General Assembly, entitled "An Act to change the jurisdiction of the Courts and the rules of pleading therein," which passed the first reading, and was ordered to be printed.

Mr. Caldwell, of Burke, for the minority of the Committee on Constitutional amendments, made a report on (129) An Ordinance prohibiting the General Assembly from conferring appointments on the members thereof, and recommended its passage.

Mr. Logan moved to take up for consideration (165) An Ordinance in relation to voting in the county of Polk.

The motion prevailed; the ordinance was read and passed the second reading, the rules, on motion, suspended, passed the third reading, and was ordered to be enrolled.

Mr. Dockery moved to take up (172) An Ordinance to authorize the sale of the State's interest in the Western North-Carolina Railroad Company.

The motion prevailed, and the ordinance was read the second time.

Mr. Love, of Jackson, moved to amend as follows:

In section 2, line 5, after the word "line," and before the word "according," insert the words "at or near Ducktown or Conone, and its branch to the Paint Rock," and it was not adopted.

He then moved to amend as follows:

In section 2, line 10, after the word "same," add the words "*Provided*, That the rates charged for freight and travel shall not exceed those charged by the North-Carolina Railroad Company;" and it was not adopted.

Mr. Moore, of Wake, offered a substitute, but withdrew the same; when

Mr. Satterthwaite moved to amend by adding the following: "and upon the express condition that the State shall be



released from all obligation to afford any pecuniary aid in the further building of said road."

Mr. Caldwell, of Burke, moved to refer the ordinance and amendment to a select committee of five, and the motion prevailed.

The President appointed Messrs. Moore of Wake, Bynum, Caldwell of Burke, Boyden and Satterthwaite to constitute the Committee.

Mr. Grissom, for the Select Committee on (106) An Ordinance to authorize the exchange of State bonds for certain causes, reported a substitute (No. 3), which was read, and

On motion of Mr. Boyden, was ordered to be printed.

#### UNFINISHED BUSINESS.

(119) An Ordinance repealing section 11 of an act of the General Assembly, entitled "an act concerning negroes and persons of color, or of mixed blood," the question being on the amendment offered by Mr. Comigland, on yesterday, to the second section,

The amendment was not adopted.

The question recurred on the amendment recommended by the committee.

Mr. Starbuck moved to amend the same as follows:

Insert, after the word "death," the words "or such other punishment as the Judge may see proper," and it was not adopted.

Mr. Eaton introduced the following as a substitute for the amendment of the committee:

"SEC. 1. *Be it ordained by the Convention of the State of North-Carolina, and is hereby ordained by the authority of the same,* That any person convicted by due course of law of an assault with intent to commit a rape on the body of any female, shall be punished by fine, imprisonment not exceeding two years, standing in the pillory for one hour, public whipping, not exceeding thirty-nine lashes, on his bare back, all or any of them at the discretion of the Court, due regard being had to the nature and circumstances of the offence.



SEC. 2. *Be it further ordained*, That all laws and clauses of laws, which conflict with this ordinance, be and the same are hereby repealed.

SEC. 3. *Be it further ordained*, That this ordinance shall not effect the legislative power over the subject.

SEC. 4. *Be it further ordained*, That this ordinance shall be in force from and after the first day of July next."

This substitute was adopted—yeas 69, nays 21.

Mr. Starbuck then moved the following amendment:

"In section 1, before the words 'public whipping,' insert the words 'two or more,' and after the words 'lashes' the words 'at any one time.'"

And it was adopted.

The ordinance then, as amended, passed the second reading.

Mr. Eaton moved to suspend the rules in order to put the ordinance on its passage at this time, and the motion prevailed.

The ordinance was then read the third time.

Mr. Eaton moved to amend the title as follows:

"An Ordinance concerning the crime of assault with intent to commit a rape."

And under this title the ordinance passed the third reading, yeas 75, nays 30, the yeas and nays being ordered,

On motion of Mr. Cowper.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Bagley, Baines, Baker, Barrow, Beam, Bell, Berry, Bingham, Boyden, Bradley, Brown, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Dickey, Dockery, Eaton, Ellis, Faircloth, Forkner, Furches, Gahagan, Garland, Garrett, Gilliam, Grissom, Harris of Guilford, Haynes, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Joyce, Joyner, King, Lash, Love of Chatham, Love of Jackson, McCauley, McCorkle, McDonald of Moore, McGehee, McIvor, McRae, Mebane, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Perkins, Phillips, Polk, Rush, Satterthwaite, Simmons, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck,



Stephenson, Thompson, Walkup, Warren, Wilson, Winburne, Wright—75.

Those who voted in the negative are:

Messrs. Allen, Brickell, Conigland, Cowper, Foy, Godwin, Harris of Rutherford, Harrison, Henry, Howard, Jones of Rowan, Logan, Manly, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, N. A. McLean, Nat. McLean, McLaughlin, Moore of Chatham, Pearsall, Person, Richardson, Rumley, Russell, Smith of Johnston, Stewart, Ward, Willey, Winston—30.

Mr. Manly presented a petition from a number of citizens of Newbern, accompanied by an ordinance (201) to amend the charter of the city of Newbern; which passed the first reading, and, with the petition, was referred to the Committee on Corporations.

#### SPECIAL ORDER.

(136) The Constitution and amendments thereto were taken up, pursuant to the resolution adopted yesterday; the question being on the adoption of section 2, article 4; which was agreed to.

Section 3 was read and passed.

Section 4 was read.

Mr. Adams moved to amend as follows:

Strike out the words "during good behavior," and insert "for the term of eight years."

Mr. Logan moved the following as an amendment to the amendment:

"In line 2, strike out the words 'during good behavior,' and insert the words 'for ten years, and no longer, unless re-elected: *Provided, however,* That no Chief Justice, nor Associate Justice, shall continue in office, after he attains the age of seventy-five years; nor shall any Judge of the Superior Courts of Law and Equity, continue or remain in said office after he shall attain the age of seventy years."

And it was not adopted.

The question was then put on the amendment of Mr. Adams, and it was not adopted.



Mr. Love, of Jackson, moved to amend as follows:

"In line 1, after the word 'Supreme,' and before the word 'and,' insert the word 'Court;,' in first and second lines strike out the words 'and Superior Courts of law and Courts of Equity,' and in third line, after the word "behavior," and before the word 'and,' insert the words 'and the Judges of the Superior Courts of law and Courts of Equity shall hold their offices during eight years.'

And it was not adopted.

Mr. McKoy, of Sampson, to amend by inserting, after the word "office," in line 5, the following: "and during their term of office, and for two years after they cease to hold said office, they shall be ineligible to any office in the gift of the people under the Constitution of the State, except the office of Judge of the Supreme Court.

Mr. Conigland moved to amend the amendment as follows:

"During the term of office, shall be ineligible to any office in the gift of this State."

And it was not adopted—yeas 13, nays 94, the yeas and nays being ordered, on motion of Mr. Stewart.

Those who voted in the affirmative are:

Messrs. Alexander, Bagley, Beam, Berry, Conigland, Dickey, Ferebee, Harris of Rutherford, Logan, McCorkle, Murphy, Stewart, Wright—13.

Those who voted in the negative are:

Messrs. Adams, Allen, Baines, Baker, Barrow, Bell, Bingham, Boyden, Brickell, Brown, Brooks, Bryan, Burgin, Bynum, Caldwell of Burke, Caldwell of Guilford, Cowper, Dick, Dockery, Eaton, Ellis, Faircloth, Forkner, Foy, Furches, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harrison, Haynes, Henry, Hodge, Howard, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, King, Lash, Love of Chatham, Love of Jackson, Lyon, Manly, McCauley, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Polk, Richard-



son, Rumley, Russell, Rush, Satterthwaite, Settle, Simmons, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Swan, Thompson, Walkup, Ward, Warren, Willey, Williams, Wilson, Winburne, Winston—94.

The question then recurred on the amendment of Mr. McKoy, of Sampson, and it was not adopted—yeas 50, nays 55; the yeas and nays being ordered, on motion of Mr. Caldwell, of Guilford.

Those who voted in the affirmative are :

Messrs. Adams, Allen, Baker, Bradley, Bryan, Caldwell of Guilford, Dick, Dickey, Ellis, Forkner, Ferebee, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Haynes, Hodge, Howard, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Joyce, Joyner, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCorkle, McKoy of Sampson, McDonald of Chatham, McDonald of Moore, Moore of Chatham, Murphy, Norfleet, Perkins, Polk, Richardson, Settle, Sloan, Smith of Wilkes, Starbuck, Stewart, Thompson, Walkup, Winburne, Wright—50.

Those who voted in the negative are :

Messrs. Alexander, Bagley, Baines, Barrow, Beam, Bell, Berry, Bingham, Boyden, Brickell, Brown, Caldwell of Burke, Conigland, Cowper, Eaton, Faircloth, Foy, Furches, Gahagan, Godwin, Grissom, Harrison, Henry, Jones of Rowan, Manly, McKay of Harnett, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Wake, Odom, Patterson, Pearsall, Person, Phillips, Rumley, Russell, Rush, Satterthwaite, Simmons, Smith of Anson, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Swan, Stephenson, Ward, Willey, Wilson, Winston—55.

The section then passed the second reading.

Mr. Djck offered the following as an amendment to section 3: "In line 2, strike out all after the word 'elected,' and insert 'by the people for a term of eight years, in such manner as the Legislature may direct.'"

Mr. Winston moved to postpone the whole subject until tomorrow morning 10½ o'clock, and the motion did not prevail.



The question recurred on the amendment of Mr. Dick, and it was not adopted—yeas 36, nays 58; the yeas and nays being ordered, on motion of Mr. Pearsall.

Those who voted in the affirmative are:

Messrs. Adams, Baker, Bradley, Brown, Bryan, Caldwell of Guilford, Dick, Dickey, Ellis, Forkner, Foy, Gahagan, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Joyce, Joyner, Logan, Lyon, McCauley, McKay of Harnett, McDonald of Chatham, Nat. McLean, Person, Settle, Smith of Wilkes, Stewart, Swan, Ward—36.

Those who voted in the negative are:

Messrs. Alexander, Bagley, Baines, Barrow, Bell, Berry, Boyden, Brickell, Brooks, Burgin, Caldwell of Burke, Conigland, Cowper, Eaton, Ferebee, Furches, Godwin, Harrison, Jarvis, Jones of Rowan, King, Lash, Love of Jackson, Manly, McCorkle, McKoy of Sampson, McDonald of Moore, McGehee, McIvor, N. A. McLean, McLaughlin, McRae, Mebane, Moore of Wake, Norfleet, Odom, Patterson, Pearsall, Perkins, Phillips, Polk, Richardson, Russell, Rush, Satterthwaite, Simmons, Smith of Anson, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Willey, Williams, Wilson, Winburne, Winston—58.

Sections 5 and 6 were read and passed.

Mr. McIvor offered the following to come in after section 6, as a separate section:

“The number of Justices of the Peace shall not exceed three in any captain’s district within the counties of this State, except the districts containing the court houses; in these the number shall not exceed five.”

Mr. Ellis offered, as a substitute, (158) An Ordinance to elect Magistrates and to limit the number of the same, reported by the Committee on Magistrates, but afterward withdrew it.

Whereupon Mr. Furches offered as a substitute for the section proposed by Mr. McIvor, (197) An Ordinance providing for the appointment of Justices of the Peace, introduced by him on yesterday.



Mr. Grissom offered the following as an amendment to the section proposed by Mr. McIvor, in order to perfect the same, before putting the question to strike it out to insert the substitute offered by Mr. Furches: "at the end of the section add, and Justices of the Peace shall be elected by the qualified voters for the members of the General Assembly at such time and in such manner and for such term of office as the General Assembly shall prescribe, and the terms of office of the present incumbents of the office of Justice of the Peace shall expire at such time as the General Assembly shall appoint for the election of their successors."

Mr. Foy moved an amendment to the amendment as follows:

"The Justices of the Peace in and for the several counties of this State shall, in the future, be elected by the people."

Mr. N. A. McLean moved to postpone the further consideration of this subject until Monday next, 11 o'clock, a. m., and the motion did not prevail.

The question then recurred on the amendment of Mr. Foy, and it was not adopted.

Mr. Smith, of Wilkes, then moved an amendment to the amendment of Mr. Grissom, as follows:

"There shall not be more than one Justice of the Peace for every three hundred and fifty inhabitants in each county, and they shall hold their office for the term of four years, and be elected by the people in their respective districts under rules and regulations to be prescribed by the General Assembly."

And it was not adopted.

Mr. McIvor then offered an amendment to the amendment of Mr. Grissom, (158) An Ordinance to elect Magistrates and to limit the number of the same, which had been withdrawn by Mr. Ellis.

Mr. Grissom, by consent, accepted this amendment in lieu of his own, which was withdrawn.

Mr. Wilson asked a division of the question, so as to take the sense of the Convention, first on limiting the number of Justices of the Peace, and then on the manner of their appointment.



Mr. Jones, of Rowan, moved to refer the subject under consideration to a select committee of five, and the motion did not prevail—yeas 38, nays 49.

The hour of three having arrived, the President declared the Convention adjourned to 9 o'clock to-morrow morning.

---

### SATURDAY, JUNE 9TH, 1866.

The President called the Convention to order, pursuant to adjournment.

Prayer by Rev. H. T. Hudson, of the M. E. Church.

The journal of yesterday was read and approved.

The committee on enrolments reported as correctly enrolled the following ordinances, which were ratified in open Convention :

An Ordinance repealing the provisos of section 9 of an act of the General Assembly, entitled "an act concerning negroes and persons of color, or of mixed blood, and for other purposes," and

An Ordinance to incorporate the North-Carolina Petroleum and Mining Company."

Messrs. Starbuck and Faircloth were appointed to constitute the Committee on Enrolments in place of Messrs. McRae and Furches, relieved at their own request.

Mr. Logan, for the Committee on a Circulating Medium, reported (202) An Ordinance for the relief of the people of the State by creating a Circulating Medium, which passed the first reading.

Mr. Faircloth presented the petition of Mrs. Jane F. Havens, asking to be divorced from her husband, which was referred to a select committee of three, on his motion.

On which the President appointed Messrs. Faircloth, Bagley and Allen.

Mr. Boyden presented the petition of the Superintendent and other officers and employees of the North-Carolina Railroad Company, praying the restriction on retailing establish-



ments near the Company's Shops, which was read, and, on motion, referred to a select committee of three.

The President appointed Messrs. Boyden, Mebane and Berry to constitute the committee.

Mr. Logan moved that article 2 of the Constitution be made the special order of the day for Monday next at 10 o'clock, and it was agreed to.

Mr. Baker introduced (203) A Resolution as follows:

*"Resolved,* That it is the sense of this Convention that the good people of North-Carolina desire to exercise the right of electing the Justices of the Peace in their respective counties."  
Which being read,

He moved that the rule be suspended in order that the resolution may be considered at this time.

On this motion he asked the yeas and nays, and the same being ordered, resulted—yeas 54, nays 48, two-thirds not voting to suspend.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Baker, Beam, Bell, Bradley, Bryan, Burgin, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Ellis, Forkner, Foy, Gahagan, Garland, Garrett, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jones of Davidson, Jones of Henderson, Joyce, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCorkle, McDonald of Chatham, McDonald of Moore, N. A. McLean, Nat. McLean, McLaughlin, Person, Richardson, Rush, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Ward—54.

Those who voted in the negative are:

Messrs. Allen, Bagley, Baines, Barrow, Berry, Boyden, Brickell, Brooks, Buxton, Bynum, Conigland, Cowper, Dockery, Eaton, Faircloth, Ferebee, Furches, Gilliam, Godwin, Jarvis, Jones of Rowan, Joyner, Manly, McKoy of Sampson, McGehee, McIvor, McKae, Mebane, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Polk, Russell Satterthwaite, Simmons, Smith of Anson, Spencer of Hyde,



Walkup, Warren, Willey, Williams, Wilson, Winburne, Winston, Wright—48.

Mr. Richardson introduced (204) An Ordinance to legalize certain acts of the County Court of Bladen, which passed the first reading, and was, on motion, referred to the Committee of Finance.

Mr. Foy introduced (205) An Ordinance to limit the jurisdiction of Justices of the Peace, the County, Superior and Supreme Courts of the State, which passed the first reading, and was, on motion, referred to the Committee on the Stay Law.

Mr. Ferebee moved to take up for consideration (140) An Ordinance to establish Courts of authentication and record, and it was agreed to.

The ordinance was read the second time, and, on motion, referred to the Committee of Finance.

Mr. Walkup moved to take up (191) An Ordinance to extend the time for perfecting titles to land sold for taxes.

The motion prevailed; the ordinance was read the second time, and, on motion, referred to the Committee of Finance.

Mr. Mebane moved to take up (198) A Resolution to adjourn *sine die*, and the motion prevailed—yeas 47, nays 42.

The resolution being read,

Mr. Mebane moved to amend by substituting Thursday (14th) for Tuesday (12th.)

Mr. Love, of Jackson, moved an amendment to the amendment, as follows:

“That this Convention will not adjourn until the basis of representation in the Senate and House of Commons is fixed by Constitutional amendment.”

Mr. Caldwell, of Burke, moved to refer the whole subject to a select committee of five, and the motion prevailed.

The President appointed Messrs. Mebane, Caldwell of Burke, Love of Jackson, Odom and Rumley.

Mr. Caldwell, of Guilford, moved to take up for consideration (184) An Ordinance for exchanging the stocks of the State for bonds issued before the year 1861, and the motion prevailed.



The ordinance was read the second time.

Mr. Nat. McLean moved to postpone indefinitely, and it was not agreed to.

Then, on motion of Mr. Moore, of Wake, the ordinance was referred to the Committee of Finance.

Mr. Grissom moved to take up and consider (200) An Ordinance to amend the Stay Law, and the motion prevailed.

The ordinance was read the second time.

Mr. McLaughlin moved to amend as follows :

“That the act passed by the General Assembly, entitled ‘An Act to change the jurisdiction of the Courts, and the rules of pleading therein,’ chapter 16, and ratified on the 10th day of March, 1866, be and the same is hereby repealed, and the law, as it stood on the first day of May, 1860, is hereby declared to be in full force and effect.”

Mr. Winston moved to postpone the ordinance and amendment, and make them the special order for Monday next at 10 o'clock, a. m., and the motion was agreed to.

The following ordinances on the calendar were taken up on the third reading, passed and were ordered to be enrolled.

(144) An Ordinance to incorporate the Oceanic Hook and Ladder Company of Beaufort, N. C., and

(149) An Ordinance in relation to an act of the General Assembly, entitled “Revenue.”

Mr. Forkner moved to take up (147) An Ordinance to secure the rights of citizens of North-Carolina in the navigable rivers of the State, and it was agreed to.

The substitute recommended by the Select Committee of five, was read the second time,

Mr. Winston moved to recommit to a Select Committee of five; adopted.

The President appointed Messrs. Ferebee, Dockery, Moore of Chatham, Forkner and Barrow.

Mr. Forkner then moved to take up for consideration (170) An Ordinance providing for the passage of fish through the unnavigable rivers of the State; and the motion prevailed.

The ordinance was read the second time.

Mr. Dickey moved to amend as follows :



"**SEC. 2.** *Be it further ordained,* That if any person or persons shall destroy by fire-arms the mountain fish, known as the spotted brook trout, (*Salmon fontinalis*), from the full moon in October to the full moon in November, the usual period of spawning of said fish, he shall forfeit and pay the sum of five dollars (\$5) for every fish destroyed in this way at this time, by fire-arms, which tax shall be applied to free school purposes."

On motion, the ordinance and amendment were referred to the Select Committee of five on ordinance 147.

Mr. Harrison, for the select committee on the subject, reported (206) A Resolution on lighting the Capitol with gas; which passed the first reading.

Mr. Jones, of Davidson, moved to take up for consideration (164) An Ordinance to amend an act of the General Assembly, entitled "Salaries and Fees," and the motion prevailed.

The Ordinance was read the second time.

Mr. McRae moved to amend as follows:

"In line 10, after the word 'equity,' insert the word 'Sheriff.'"

Mr. Walkup, to amend by inserting after the word "witness," in section 1, the words "County and State Solicitors."

Mr. Satterthwaite moved the indefinite postponement of the ordinance; and on this question he asked the yeas and nays, which being ordered, resulted—yeas 73, nays 28.

Those who voted in the affirmative are:

Messrs. Alexander, Allen, Bagley, Baines, Barrow, Beam, Bell, Berry, Boyden, Bradley, Brickell, Brooks, Bryan, Burgin, Buxton, Bynum, Cowper, Dockery, Eaton, Ferebee, Foy, Gahagan, Garland, Gilliam, Godwin, Harris of Rutherford, Haynes, Hodge, Jarvis, Joyce, Joyner, King, Lash, Love of Chatham, Lyon, Manly, McCauley, McCorkle, McKoy of Sampson, McDonald of Moore, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, Mebane, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Polk, Pool, Rumley, Russell, Satterthwaite, Simmons, Sloan, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery,



Stephenson, Swan, Thompson, Ward, Warren, Willey, Winston, Wright—73.

Those who voted in the negative are:

Messrs. Adams, Baker, Bingham, Caldwell of Burke, Caldwell of Guilford, Dickey, Ellis, Forkner, Furches, Garrett, Grissom, Harris of Guilford, Henry, Jackson, Jones of Davidson, Jones of Henderson, Logan, Love of Jackson, McDonald of Chatham, McRae, Richardson, Rush, Smith of Anson, Smith of Johnston, Starbuck, Walkup, Wilson, Winburne—38.

The hour having arrived, the Convention proceeded to the consideration of the special order, (136) the Constitution and amendments thereto, the question being on the amendment of Mr. McIvor to article 4, on the division of the amendments before the Convention, asked for by Mr. Wilson.

Mr. McIvor, by consent, withdrew his amendment, which carried the amendment to the amendment with it.

He then moved, as a separate section, to come in after section 6, (154) the ordinance reported by the majority of the Committee on Magistrates.

Mr. Ellis moved to amend the amendment by substituting (158) the Ordinance reported by the minority of the Committee on Magistrates.

Pending the consideration of this amendment,

The President of the Convention arose in his place and said: "That in view of the approaching term of the Supreme Court, of which he was a member, he thought it respectful to the Convention and due to himself, that he should place the Chair at the pleasure of the Convention, and to that end he tendered his resignation of the Presidency."

He then retired from the Chair, after requesting Mr. Caldwell, of Burke, to occupy the same.

Mr. Winston offered the following:

"*Resolved*, That it is the sense of this Convention that the presiding officer continue to hold his position until the deliberations of the Convention be brought to a conclusion, and that he designate from time to time the member or members who shall occupy the Chair during his absence."



The resolution was adopted, and the President resumed the Chair, and said that he yielded implicitly to what seemed to be the general wish of the Convention.

The consideration of the special order was then resumed, and the question was stated on the substitute of Mr. Ellis for the amendment of Mr. McIvor, on which the yeas and nays were ordered, en motion of Mr. Ellis.

Mr. Winston moved that there be a call of the House before taking the vote, and the motion was not agreed to.

The vote was then recorded—yeas 54, nays 41.

Those who voted in the affirmative are:

Messrs. Adams, Baker, Beam, Bell, Berry, Bradley, Bryan, Burgin, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Ellis, Forkner, Foy, Furches, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Howard, Jackson, Jones of Davidson, Jones of Henderson, Joyce, King, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCorkle, McDonald of Chatham, McDonald of Moore, N. A. McLean, Nat. McLean, Person, Pool, Richardson, Rush, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stevenson, Swan, Ward—54.

Those who voted in the negative are:

Messrs. Alexander, Bagley, Baines, Barrow, Bingham, Brickell, Brooks, Buxton, Conigland, Cowper, Dockery, Eaton, Ferebee, Jarvis, Jones of Rowan, Joyner, Lash, McKoy of Sampson, McGehee, McIvor, McRae, Mebane, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Polk, Russell, Simmons, Smith of Anson, Spencer of Hyde, Thompson, Walkup, Willey, Wilson, Winburne, Winston, Wright—41.

Mr. Moore, of Wake, then proposed to offer an amendment, but before the same was read,

The hour of three having arrived, the President declared the Convention adjourned to 9 o'clock Monday morning.



## MONDAY, JUNE 11TH, 1866.

The President called the Convention to order at 9 o'clock. The journal of Saturday was read and approved.

Mr. Ward, for the Committee on Corporations, reported back (194) An Ordinance limiting the action of Railroad Companies, with an amendment, and recommended its passage.

Mr. Caldwell, of Burke, moved that the ordinance and amendment lie on the table, and be printed, and it was so ordered.

Mr. Ward, for the same committee, reported back (201) An Ordinance to amend the Charter of the City of Newbern, and recommended that it do not pass.

Mr. Satterthwaite moved to suspend the rules and put the ordinance on its second reading at this time, and the motion prevailed.

The ordinance was then read the second time, and the question being put, it did not pass the second reading.

Mr. Gilliam was called to the chair by the President.

Mr. Caldwell, of Guilford, for the Finance Committee, reported back (184) An Ordinance for exchanging the stocks of the State for bonds issued before the year 1861, with a substitute, and recommended its passage.

Mr. Dockery, for the same committee, reported (207) An Ordinance in relation to taxation by the County Courts, as a substitute for various propositions on the subject referred to the committee, which passed the first reading.

Mr. Dockery moved to suspend the rules, in order to put the ordinance on its second and third readings at this time, and the motion prevailed.

The ordinance was then read and passed the second and third readings, and was ordered to be enrolled.

Mr. Dick introduced (208) An Ordinance to increase the salary of the Adjutant General, which passed the first reading.

He moved to suspend the rules in order to put the ordinance on its several readings at this time, and the motion did not prevail.



Mr. Dockery introduced (209) An Ordinance to appoint a State Agent in the City of Washington, which passed the first reading.

Mr. Winburne, for the Finance Committee, reported back the petition of Cooper Huggins, asking to be relieved from certain requirements of the Revenue law, and asked to be discharged from its further consideration; and the report was concurred in.

Mr. McRae, for the same committee, to whom was referred (191) An Ordinance extending the time for perfecting titles to land sold for taxes, recommending a substitute for the same.

Mr. Walkup moved to suspend the rules in order to consider the ordinance at this time, and the motion did not prevail.

On motion of Mr. Mebane, leave of absence was granted Mr. Beam, from and after to-morrow, and

On motion of Mr. McLaughlin, to Mr. Bell, for and after to-day.

Mr. Winburne, for the Committee of Finance, reported back the petition of A. E. Jacobs, asking to be relieved from billiard tax, and asked to be discharged from its further consideration; and the report was concurred in.

Mr. Richardson introduced (210) A Resolution to allow Robert P. Melvin to collect arrears of taxes, which passed the first reading, and was, on motion, referred to the Committee of Finance.

Mr. Brooks moved to take up for consideration (178) An Ordinance concerning widows who have qualified as executrixes to the last wills and testaments of their husbands; and the motion prevailed.

The ordinance was read the second time, but before any action was taken thereon,

The hour of 10 arrived, the time for the consideration of the special orders, being article 2 of the Constitution, and (200) An Ordinance to amend the Stay Law.

Some discussion arose as to which special order had precedence, when

The Chair decided that, by the rule,



Article 2 of the Constitution had priority, and would be considered first.

Mr. Howard moved to suspend the consideration of the subject, in order to allow him to make a motion in regard to the Stay Law, and the motion prevailed.

He then moved that the Committee on the Stay Law be allowed to have their report printed, without reading, and that the subject be made the special order for to-morrow at 10 o'clock, a. m., and it was agreed to.

The consideration of article 2 of the Constitution was then resumed.

Section 1 was read and passed the second reading.

Section 2 was read.

Mr. Logan offered an amendment, by way of substitute, constituting the Senate of fifty members, to be elected on the basis of the white population, and allotting the districts until the year 1870.

Mr. Henry offered the following amendment :

"After the word 'census,' in line 10, and before the word 'and,' insert the words, '*Provided*, That no County shall be divided in the formation of a Senatorial district; and when there are one or more counties having an excess of population above the ratio to form a Senatorial district, and adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid, shall be added to the population of the county or counties deficient, and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county or counties each shall constitute a Senatorial district."

And the amendment was accepted by Mr. Logan.

Mr. Caldwell, of Burke, moved to amend by inserting the name of the county of Alleghany, before that of Ashe, and it was agreed to.

Mr. Conigland moved that the amendment under discussion be printed and made the special order for Wednesday 10 o'clock, a. m., and the motion was agreed to.

Mr. Grissom moved to suspend the further consideration of the Constitution to allow him to introduce a resolution intimated by him, and the motion prevailed.



Mr. Grissom then introduced the following:

*“Resolved,* As the unanimous sense of this Convention, as a mark of respect to the memory of Gen. Winfield Scott, who rendered himself illustrious by a long course of public service, and by his devotion on so many occasions to the Government of the United States, that this Convention do now adjourn until the usual hour of meeting on to-morrow.”

The resolution was adopted, and the President declared the Convention adjourned to 9 o'clock to-morrow morning.

---

### TUESDAY, JUNE 12TH, 1866.

The President called the Convention to order at 9 o'clock, a. m.

The journal of yesterday was read and approved.

Mr. Ferebee was called to the Chair by the President.

Mr. Mebane, for the Select Committee to report in regard to adjournment, reported as follows:

*“Resolved,* That this Convention adjourn *sine die* at 6 o'clock on Monday morning, the 18th instant.”

He moved to suspend the rules in order to consider the resolution at this time.

On this question Mr. Logan asked the yeas and nays; which being ordered, resulted—yeas 52, nays 34, two-thirds not voting in the affirmative.

Those who voted in the affirmative are:

Messrs. Alexander, Bagley, Baines, Barrow, Bradley, Brickell, Brown, Brooks, Buxton, Caldwell of Guilford, Cowper, Dockery, Eaton, Faircloth, Ferebee, Gilliam, Grissom, Howard, Jarvis, Joyner, King, Love of Chatham, McKoy of Sampson, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Richardson, Russell, Satterthwaite, Simmons, Smith of Anson, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Stephenson, Walkup, Warren, Willey, Wilson, Winston—52.



Those who voted in the negative are:

Messrs. Baker, Bingham, Bryan, Burgin, Bynum, Caldwell of Burke, Dick, Ellis, Forkner, Gahagan, Garland, Garrett, Godwin, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Jackson, Jones of Davidson, Jones of Henderson, Joyce, Logan, Love of Jackson, McCorkle, McDonald of Moore, Moore of Chatham, Moore of Wake, Rush, Settle, Smith of Wilkes, Starbuck, Stewart, Swan, Ward—34.

Mr. Moore, of Wake, for the majority of the Select Committee, to whom was referred (172) An Ordinance to authorize the sale of the State's interest in the Western North-Carolina Railroad Company, reported a substitute for the ordinance and recommended its passage.

Mr. Bynum, for the minority of the same Committee, reported unfavorably to the ordinance.

Mr. Forkner, for the Select Committee on the subject, reported back (147) An Ordinance to secure the rights of citizens of North-Carolina in the navigable rivers of the State, and recommended its passage.

Mr. Dockery, for the Finance Committee, reported back (162) An Ordinance to pay Provisional Governors for holding Courts of Oyer and Terminer, with a substitute, and recommended its passage.

On motion of Mr. Patterson, it was ordered that the majority and minority reports of the Select Committee on (172), and the substitute recommended by the majority, be printed.

Mr. McRae, for the Committee of Finance, to whom was referred a petition of Goodman Durden, reported (212) An Ordinance for the relief of Goodman Durden, late Sheriff of Washington county, which passed the first reading.

Mr. Bingham introduced (213) A Resolution in favor of Daniel Coleman; administrator of J. S. Bundy, late Sheriff of Cabarrus county, which passed the first reading.

By Mr. Odom, (214) A Resolution denying the right of Justices of Peace to levy taxes for certain purposes, which passed the first reading.



Mr. Howard, for the Committee on the Stay Law, reported (215) An Ordinance to change the jurisdiction of the Courts and the rules of pleading therein, as a substitute for all the matters referred to the Committee, which passed the first reading.

Mr. Bingham introduced (216) A Resolution to limit debate, which was read and lies over under the rules.

Mr. Dockery introduced (217) A Resolution to print a certain ordinance; which was adopted, under a suspension of the rules.

Mr. Richardson introduced (218) An Ordinance to amend an Act of the General Assembly, entitled "An Act to regulate salaries and fees," which passed the first reading.

The hour of ten having arrived, the special order of the day was taken up, being the ordinance and the report of the Committee on the Stay Law.

Mr. Howard moved that the subject be postponed and made the special order for Thursday next, at 10 o'clock, and the motion prevailed.

Mr. Patterson moved to take up for consideration (184) An Ordinance for exchanging the stock of the State for bonds issued before the year 1861, and the motion was agreed to.

The ordinance was then taken up; the question on its passage on the second reading.

Mr. Barrow moved to amend as follows:

"Strike from the fourth line of the first section the word 'year,' and insert 'prior to the 20th day of May, 18—,' and it was adopted; and as thus amended the ordinance passed the second reading.

Mr. Caldwell, of Guilford, moved to suspend the rules, and put the ordinance on its third reading at this time.

The motion prevailed, and it was read the third time.

The question being on its final passage,

Mr. Bryan asked the yeas and nays, which being ordered, resulted—yeas 59, nays 23.

Those who voted in the affirmative are:

Messrs. Bagley, Baines, Baker, Barrow, Berry, Boyden, Brown, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell



of Guilford, Conigland, Dick, Dockery, Eaton, Faircloth, Forkner, Garland, Grissom, Harris of Guilford, Harris of Rutherford, Henry, Howard, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyner, King, Logan, McCauley, McDonald of Moore, McGehee, McIvor, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Person, Phillips, Richardson, Russell, Satterthwaite, Settle, Simmons, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Ward, Warren—59.

Those who voted in the negative are:

Messrs. Bryan, Cowper, Dickey, Ferebee, Foy, Gahagan, Gilliam, Godwin, Haynes, Jackson, Lash, Lyon, McCorkle, McKoy of Sampson, Pearsall, Perkins, Rush, Smith of Johnston, Smith of Wilkes, Swan, Willey, Winburne, Winston—23.

The hour of 11 having arrived, the general order, (136) the Constitution and amendments thereto, was taken up.

Article 2, sections 3 and 4 were read and passed over informally.

Article 3, section 2, which was informally passed on Wednesday last, on this reading, was taken up.

Mr. Moore, of Wake, offered a substitute for the section, embracing the amendments agreed to heretofore, and it was adopted; and, as thus amended, the section passed the second reading.

The President announced a communication from His Excellency, the Governor, transmitting a letter from T. H. Porter, of New York, on the subject of the great seal of the State, which was read, and

On motion of Mr. Phillips, was referred to the Committee of Finance.

The consideration of the Constitution was then resumed.

Article 5 was taken up.

Mr. Moore, of Wake, offered the following as section 7:

“No person shall be deemed qualified to vote in any election, or appointment to any office, or place established by the Constitution, or by the General Assembly, or deemed eligible



to such office or place, who shall have been adjudged guilty of felony, or of any infamous crime, unless such person shall have been fully pardoned or restored to credit in a mode to be prescribed by law."

And it was adopted.

By the same, as section 8:

"Every person who may hold an office, or place of trust or profit under the State, or any department thereof, and every person allowed to vote for such person, shall be a white person."

And it was adopted.

Article 7 was taken up.

Mr. Moore, of Wake, offered the following as an additional section:

"Private property shall not be taken for public use without just compensation, paid in due time."

And it was adopted.

Mr. Buxton moved to amend section 4 of this article as follows:

"Strike out the first clause and insert 'No person shall ever be imprisoned for debt.'"

On this question Mr. Jones, of Davidson, asked the yeas and nays, which were ordered, and resulted—yeas 14, nays 78.

Those who voted in the affirmative are:

Messrs. Brown, Bryan, Buxton, Foy, Harris of Rutherford, Harrison, Haynes, Hodge, Logan, McDonald of Moore, Richardson, Smith of Wilkes, Stewart, Swan—14.

Those who voted in the negative are:

Messrs. Bagley, Baines, Baker, Barrow, Berry, Bingham, Boyden, Bradley, Brickell, Burgin, Bynum, Caldwell of Burke, Caldwell of Guilford, Cowper, Dick, Dickey, Dockery, Eaton, Ellis, Faircloth, Forkner, Ferebee, Gahagan, Garland, Garrett, Gilliam, Godwin, Harris of Guilford, Henry, Howard, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, King, Lash, Love of Chatham, Love of Jackson, McCanley, McCorkle, McKoy of Sampson, McGehee, McIvor, Nat McLean, McLaughlin, McRae, Mebane,



Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Pearsall, Person, Phillips, Polk, Russell, Rush, Satterthwaite, Settle, Simmons, Smith of Anson, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Ward, Warren, Willey, Winburne, Winston—78.

Mr. Warren asked and obtained leave of absence for Mr. Simmons, from and after to-morrow, 13th.

The Committee on enrollments reported, as correctly enrolled, the following ordinances, which were ratified in open Convention.

An ordinance in relation to an act of the General Assembly, entitled "Revenue."

An ordinance to grant to the citizens of the county of Polk the power of voting with the district or county to which they are attached, in the election of members of the General Assembly.

An ordinance to incorporate the Oceanic Hook and Ladder Company of the town of Beaufort.

An ordinance concerning the crime of assault, with intent to commit a rape, and

An ordinance in relation to taxation by the county Courts.

Then, on motion of Mr. Moore, of Wake, the Convention adjourned to 9 o'clock to-morrow morning.

---

### WEDNESDAY, JUNE 13TH, 1866.

The President called the Convention to order at 9 o'clock. Prayer by Rev. J. M. Atkinson.

The journal of yesterday was read and approved.

Mr. Settle was called to the Chair by the President.

Mr. Brooks moved to take up for consideration (178) An Ordinance concerning widows who have qualified as executrixs to the last wills and testaments of their husbands, and the motion was agreed to, the question being on its passage upon the second reading.

The ordinance passed the second reading.



Then, on motion of Mr. Brooks, the rule was suspended, the ordinance read the third time, and passed and ordered to be enrolled.

Mr. Logan moved to take up for consideration (202) An Ordinance for the relief of the people by creating a circulating medium, and it was not agreed to—yeas 24, nays 30.

Mr. Moore, of Wake, asked to be allowed to introduce an amendment to article 4 of the Constitution, in relation to Justices of the Peace, in order to have it printed, and it was agreed to—yeas 40, nays 35.

Mr. Foy, for the Select Committee, to whom was referred (117) An Ordinance for the relief of the people who have sustained losses by the war, reported back the same and asked to be discharged from its further consideration, and the report was concurred in.

Mr. Moore, of Chatham, introduced (219) A Resolution concerning adjournment, which lies over under the rules.

Mr. Mebane introduced (220) An Ordinance for the relief of orphans, which passed the first reading.

Mr. Moore, of Chatham, offered (221) A Resolution as follows:

“*Resolved*, That all the ordinances of this Convention that are necessary to be referred to the people of this State, be submitted to them at the next August election for ratification or rejection.”

Which was read and lies over under the rules.

Mr. Spencer, of Hyde, introduced (222) An Ordinance to amend “An Act to amend an act to Charter the Fairfield Canal Company, ratified the — day of February, 1859, which passed the first reading.

Mr. Patterson introduced the following, which was adopted under a suspension of the rules:

“(223) *Resolved*, That a Select Committee of five be appointed to inquire into the expediency of passing an ordinance to prohibit the distillation of grain into spirits for a specified time.

Mr. Odom moved to take up for consideration (211) A Resolution to adjourn *sine die* on Monday, the 18th instant.



The motion prevailed, and the resolution was read.

Mr. McDonald, of Moore, offered the following amendment:

"Add, after the words 'Monday next,' the words 'to be called together at the instance of the Hon. Bedford Brown, Lewis Thompson and Gen. Dockery, if necessary, at any time before the 1st of January, 1867.'"

Pending the discussion of this subject,

The hour of 10 arrived and Mr. Caldwell, of Burke, called for the special orders.

On this call Mr. Love, of Jackson, asked the yeas and nays, which were ordered and resulted—yeas 58, nays 41.

Those who voted in the affirmative are:

Messrs. Alexander, Baker, Bingham, Boyden, Bradley, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Ellis, Faircloth, Forkner, Foy, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Lash, Logan, Love of Jackson, Lyon, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McIvor, McRae, Moore of Chatham, Moore of Wake, Norfleet, Patterson, Polk, Rush, Settle, Sloan, Smith of Anson, Smith of Wilkes, Starbuck, Stewart, Swan, Walkup, Ward—58.

Those who voted in the negative are:

Messrs. Allen, Baines, Barrow, Berry, Brown, Conigland, Cowper, Dockery, Eaton, Ferebee, Gilliam, Howard, Jarvis, Joyner, King, Love of Chatham, McKoy of Sampson, N. A. McLean, Nat. McLean, McLaughlin, Mebane, Murphy, Odom, Pearsall, Perkins, Person, Richardson, Rumley, Russell, Satterthwaite, Simmons, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Stephenson, Warren, Willey, Williams, Winburne, Winston, Wright—41.

The special order was then taken up, the question being on the amendment of Mr. Logan to section 2, of article 2 of the Constitution.

Mr. Phillips offered a substitute for the amendment of Mr. Logan, which bases representation in the Senate on taxation, and in the House of Commons on white population.



After considerable discussion of the subject,

Mr. Bynum moved that the amendments under consideration be referred to a Select Committee of seven, one from each Congressional district, with instructions to report a place of appointment of representation in the Senate on taxation, and in the House of Commons on white population, to take effect at the next election.

On this motion Mr. Garrett asked the yeas and nays, which being ordered, resulted—yeas 37, nays 65.

Those who voted in the affirmative are:

Messrs. Baker, Bingham, Bradley, Burgin, Bynum, Caldwell of Burke, Dick, Dickey, Ellis, Forkner, Foy, Gahagan, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, Logan, Love of Jackson, McCorkle, McDonald of Chatham, McDonald of Moore, McRae, Moore of Chatham, Rush, Settle, Sloan, Smith of Wilkes, Starbuck, Stewart, Swan—37.

Those who voted in the negative are:

Messrs. Alexander, Allen, Baines, Barrow, Berry, Boyden, Brickell, Brown, Brooks, Bryan, Buxton, Conigland, Dockery, Eaton, Faircloth, Ferebee, Gilliam, Godwin, Grissom, Hodge, Howard, Jarvis, Joyce, Joyner, King, Lash, Lyon, McCauley, McKoy of Sampson, McKay of Harnett, McGehee, McIvor N. A. McLean, Nat. McLean, McLaughlin, Mebane, Murphy, Moore of Wake, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Polk, Richardson, Rumley, Russell, Simmons, Satterthwaite, Smith of Anson, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Stephenson, Thompson, Walkup, Ward, Willey, Williams, Wilson, Winburne, Winston, Wright—65.

The question recurred on the amendment of Mr. Phillips to the amendment of Mr. Logan.

Mr. Love, of Jackson, asked a division of the question so as to vote first on striking out, and the Convention refused to divide.

Then, on motion of Mr. Phillips, the yeas and nays were



ordered to be recorded on his amendment, and resulted—yeas 70, nays 31.

Those who voted in the affirmative are:

Messrs. Alexander, Baines, Barrow, Berry, Boyden, Brickell, Brown, Brooks, Burgin, Buxton, Conigland, Dockery, Eaton, Faircloth, Ferebee, Foy, Gilliam, Godwin, Grissom, Hodge, Howard, Jackson, Jarvis, Joyce, Joyner, King, Lash, Lyon, McCauley, McKoy of Sampson, McKay of Harnett, McGehee, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Polk, Richardson, Rumley, Russell, Rush, Settle, Satterthwaite, Simmons, Sloan, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Ward, Warren, Williams, Winburne, Winston, Wright—70.

Those who voted in the negative are:

Messrs. Baker, Bingham, Bradley, Bryan, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Ellis, Forkner, Gahagan, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jones of Davidson, Jones of Henderson, Jones of Rowan, Logan, Love of Jackson, McDonald of Chatham, McDonald of Moore, Moore of Chatham, Smith of Johnston, Smith of Wilkes, Stewart, Swan—31.

Mr. Bynum then offered, amendment, (70) An Ordinance amending the Constitution on the basis of representation, reported by the Committee on the basis.

Mr. Grissom moved to reconsider the vote by which the Convention passed (184) An Ordinance for exchanging the stocks of the State for bonds issued before the year 1861, on the third reading, yesterday, and the motion lies over.

The Chair appointed the following Committee to inquire in regard to restricting the distillation of grain: Messrs. Patterson, Odom, Ward, Henry and Smith of Wilkes.

The hour of three having arrived, the Convention adjourned to 9 o'clock to-morrow.



## THURSDAY, JUNE 14TH, 1866.

The President called the Convention to order at 9 o'clock.

The journal of yesterday was read and approved.

Mr. Satterthwaite was called to the Chair by the President.

Mr. Forkner introduced (224) Resolutions providing for the elections for 1866, which passed the first reading.

Mr. Brown presented a petition from certain citizens of Caswell county, in regard to amnesty, which was read and, on his motion, referred to the Committee on General Amnesty.

Mr. Caldwell, of Burke, moved to suspend the rules and put (224) the resolutions introduced by Mr. Forkner this morning on the second reading, and it was not agreed to—yeas 47, nays 45, two-thirds not voting to suspend.

Mr. McLaughlin introduced (225) A Resolution to raise a select committee to inquire in regard to certain bonds and money used in blockade running, which was read, and on his motion, ordered to be printed.

Mr. Gilliam introduced (226) An Ordinance concerning amnesty, which passed the first reading, and was ordered to be printed.

Mr. Moore, of Wake, introduced (227) An Ordinance protecting the seine fishers on navigable rivers of the State, which passed the first reading, and was ordered to be printed.

Mr. McDonald, of Chatham, introduced (228) An Ordinance to amend the Charter of the Chatham Railroad Company, which passed the first reading, and, on his motion, was referred to a select committee of five.

The President appointed Messrs. McDonald of Chatham, McCorkle, Hodge, Moore of Chatham and McKoy of Sampson, to constitute the committee.

Mr. Wright presented a memorial from Michael Robbins, and

Also a memorial from M. Conly, both which were, on his motion, referred, without reading, to the Committee of Finance.



## SPECIAL ORDER.

The hour of 10 having arrived, the special order of the day was taken up, being (215) An Ordinance to change the jurisdiction of the Courts, and the rules of pleading therein, reported by the Committee on the Stay law.

Mr. Foy gave notice that he would offer a substitute, which he asked to have read for information, and it was so read.

Mr. Howard moved that the ordinance be considered by sections, and it was agreed to.

Sections 1 and 2 were read and passed.

Section 3 was read.

Mr. Grissom moved to amend as follows:

*"And, provided further,* That no sale of real estate which may be hereafter made under executions issuing upon judgments recovered of defaulting defendants under this section, shall be valid, unless the same shall bring a price equal to its assessed value, according to the tax assessment in force at the time of such sale."

After some discussion, Mr. Grissom, by consent, withdrew his amendment.

Mr. Walkup moved to amend as follows:

"In lines 5 and 6 strike out 'one-tenth,' and insert 'one-fourth;' in line 9 strike out 'fifth,' and insert 'third;' in line 27 strike out 'fifth,' and insert 'third.'"

And it was not adopted.

Mr. Howard moved to amend by inserting in line 2, after the word 'be,' the words 'returnable to Spring term, and,' and it was adopted.

Sections 4 to 10 inclusive were read and adopted.

Section 11 was read.

Mr. Howard moved to amend as follows:

"That all Justices' judgments for sixty dollars or more shall be transferred to the Superior Court, as provided for judgments in County Courts."

And it was adopted.

Section 12 was read; some amendments were offered, but withdrawn.



Section 13 was read.

Mr. Howard moved to amend by striking out of line 2 the words "a guardian in behalf of his wards," and insert "or in behalf of infants;" and it was adopted.

Section 14 was read.

Mr. McKay, of Harnett, offered to amend as follows:

"*Provided, further,* That the provisions of this ordinance shall not be construed to extend to any debt or demands created since the first day of May, 1865, but that the remedies for the recovery of the same shall be in all respects similar to the remedies for the recovery of debts which were in force in the year 1860."

Mr. Caldwell, of Guilford, offered an amendment to the amendment, as follows:

"Except for debts contracted for money loaned at a greater rate of interest than six per cent per annum."

And it was not adopted.

The question recurred on the amendment of Mr. McKay, of Harnett, as a substitute for section 14, and it was adopted—yeas 73, nays 24, the yeas and nays being ordered, on motion of Mr. McKay.

Those who voted in the affirmative are:

Messrs. Adams, Allen, Baines, Baker, Barrow, Brickell, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dockery, Eaton, Ellis, Faircloth, Forkner, Foy, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McGehee, McIvor, Nat. McLean, Mebane, Odom, Patterson, Phillips, Polk, Rumley, Russell, Rush, Satterthwaite, Settle, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stewart, Swan, Walkup, Ward, Williams, Winston—75.

Those who voted in the negative are:

Messrs. Alexander, Berry, Bingham, Boyden, Bradley,



Brown, Cowper, Dickey, Ferebee, Furches, Howard, McRae, McDonald of Moore, McLaughlin, Murphy, Norfleet, Pearsall, Person, Richardson, Stephenson, Thompson, Willey, Winburne, Wright—24.

Sections 15 and 16 read and adopted.

Section 17 was read.

Mr. Howard moved the following as a substitute:

“Every executor or administrator shall file, on oath, at the termination of two years from the time of his qualification, a full statement of his receipts and disbursements, and the condition of the assets, particularly setting out all the money collected and how disbursed, and on motion, the Court may allow further time to settle the estate from year to year, not exceeding three years: *Provided*, That on each extension of time, a supplemental report shall be filed: *Provided, further*, That the Court may extend the time for pleading; and, *Provided, further*, That all executions and administrators who have heretofore qualified, shall be allowed at least twelve months from the ratification of this ordinance to file their said statements.”

And it was adopted.

Mr. King moved to lay the whole subject on the table; on which he asked the yeas and nays, which were ordered, and resulted—yeas 15, nays 76.

Those who voted in the affirmative are:

Messrs. Baker, Barrow, Boyden, Buxton, Dickey, Eaton, Furches, Gahagan, King, Lash, McLaughlin, Spencer of Montgomery, Stewart, Swan, Winston—15.

Those who voted in the negative are:

Messrs. Adams, Alexander, Allen, Baines, Berry, Bingham, Bradley, Brickell, Brown, Brooks, Bryan, Burgin, Bynum, Caldwell of Burke, Caldwell of Guilford, Cowper, Dockery, Dick, Forkner, Ferebee, Foy, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Hodge, Howard, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Joyce, Joyner, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McKoy of Sampson, McKay of Harnett, McDonald of Moore, McGehee, McIvor, McRae,



Mebane, Murphy, Norfleet, Odom, Patterson, Pearsall, Person, Perkins, Phillips, Polk, Richardson, Rumley, Russell, Rush, Satterthwaite, Settle, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Stephenson, Ward, Walkup, Willey, Williams, Winburne, Wright—76.

The consideration of the Stay Law was resumed, and section 18 was read.

Mr. Howard offered the following as a substitute:

“Strike out all after the word ‘provided,’ in line 4, and insert: ‘*Provided, further*, That the time elapsed since the 1st day of September, 1861, barring actions or suits, or presuming the satisfaction or abandonment of right, shall not be counted; and, *provided further*, That nothing herein contained, or in the Statutes hereby repealed, shall be so construed as to prevent judgment from becoming dormant.’”

Mr. Phillips moved to amend the amendment by striking out the last proviso; and it was not agreed to.

The question then recurred on the amendment of Mr. Howard; and it was adopted—yeas 47, nays 28.

Section 19 was read.

Mr. Grissom moved to amend by adding: “and shall be further guilty of a misdemeanor.”

Pending the consideration of which, the hour arrived and the Convention adjourned.

---

### FRIDAY, JUNE 15TH, 1866.

The President called the Convention to order at 9 o'clock.

The journal of yesterday was read and approved.

Mr. Caldwell, of Burke, was called to the Chair by the President.

Mr. Boyden, for the select committee of inquiry in regard to Swamp Lands, reported (229) An Ordinance to amend 25th section, 66th chapter of the Revised Code; which passed the first reading.

Mr. Faircloth, for the select committee to whom was referred



the petition of Jane F. Havens, reported (230) An Ordinance in favor of Jane F. Havens; which passed the first reading.

Mr. Faircloth moved to suspend the rules, and put the ordinance on its second and third readings.

Mr. Mebane moved to lay that motion on the table; on which Mr. McRae asked the yeas and nays, which being ordered, resulted—yeas 32, nays 66.

Those who voted in the affirmative are:

Messrs. Baker, Boyden, Bradley, Brown, Bryan, Buxton, Conigland, Cowper, Dickey, Dockery, Eaton, Ferebee, Foy, Furches, Garrett, Gilliam, Godwin, Howard, Jones of Rowan, Lash, Manly, McGehee, N. A. McLean, McLaughlin, Mebane, Moore of Wake, Norfleet, Phillips, Spencer of Montgomery, Starbuck, Walkup, Winston—32.

Those who voted in the negative are:

Messrs. Adams, Alexander, Allen, Bagley, Baines, Barrow, Berry, Bingham, Brooks, Burgin, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Ellis, Faircloth, Forkner, Gahagan, Garland, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Joyce, Joyner, King, Logan, Love of Chatham, Love of Jackson, McCauley, McKoy of Sampson, McDonald of Chatham, McDonald of Moore, McIvor, Nat. McLean, McRae, Moore of Chatham, Murphy, Odom, Pearsall, Perkins, Person, Polk, Richardson, Rumley, Russell, Rush, Settle, Satterthwaite, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Stevenson, Stewart, Ward, Warren, Willey, Williams, Winburne—66.

The question then recurred on the motion to suspend, on which Mr. Boyden asked the yeas and nays, which were ordered, and resulted—yeas 57, nays 39; two-thirds not voting in the affirmative, the rules were not suspended.

Those who voted in the affirmative are:

Messrs. Alexander, Allen, Bagley, Baines, Barrow, Berry, Brooks, Bynum, Caldwell of Guilford, Cowper, Dick, Dickey, Ellis, Faircloth, Gahagan, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Joyce, Joyner,



King, Logan, Love of Jackson, Love of Chatham, McCauley, McCorkle, McDonald of Chatham, McDonald of Moore, Nat. McLean, McBae, Moore of Chatham, Murphy, Odom, Pearsall, Perkins, Person, Polk, Richardson, Rumley, Satterthwaite, Settle, Sloan, Smith of Wilkes, Spencer of Hyde, Stewart, Swan, Ward, Williams, Winburne—57.

Those who voted in the negative are:

Messrs. Adams, Baker, Boyden, Bradley, Brown, Bryan, Burgin, Buxton, Caldwell of Burke, Conigland, Dockery, Eaton, Forkner, Foy, Furches, Garland, Garrett, Gilliam, Godwin, Howard, Jones of Rowan, Lash, Manly, McGehee, McIvor, McLaughlin, Mebane, Moore of Wake, Norfleet, Patterson, Phillips, Rush, Smith of Anson, Smith of Johnston, Spencer of Montgomery, Starbuck, Stephenson, Walkup, Winston—39.

On motion of Mr. Boyden, leave of absence was granted Mr. Joyce from and after to-morrow until Wednesday next.

Mr. Warren introduced (231) A Resolution to authorize the Principal Secretary to employ a second Assistant Doorkeeper, during the illness of H. B. Kingsbury, which was adopted under a suspension of the rules.

Mr. Conigland introduced (232) A Resolution in relation to tax of five cents per pound on cotton in the hands of the producer, proposed to be levied by the Congress of the United States, which passed the first reading and was ordered to be printed.

Mr. Spencer, of Montgomery, introduced (233) A Resolution limiting the action of the Convention, which passed the first reading.

Mr. Bynum introduced (234) An Ordinance to change the time of elections in North-Carolina; which passed the first reading.

Mr. Wright introduced (235) An Ordinance to incorporate the Wilmington Railway Bridge Company; which passed the first reading, and was, on his motion, referred to the Committee on Corporations.

Mr. Starbuck introduced (236) An Ordinance to amend an act passed at the General Assembly at its session of 1842 and



1843, entitled "An Act to authorize the formation of a fire engine company in the town of Salem, North-Carolina, which passed the first reading.

Mr. Satterthwaite moved to take up for consideration (179) Resolution allowing compensation to the Principal Secretary of the Convention.

The motion prevailed; the resolution was read and adopted and ordered to be enrolled.

The unfinished business on the calendar being then in order,

Mr. Forkner moved the consideration of the same be postponed in order to take up (224) Resolution providing for the elections of 1866; and the motion did not prevail—yeas 37, nays 37, two-thirds not voting in the affirmative.

Mr. Grissom moved that these resolutions be made the special order for to-morrow at 10 o'clock, a. m., and it was agreed to.

The consideration of the Stay Law was taken up, the question being on the amendment of Mr. Grissom, to section 19. On this Mr. Grissom asked the yeas and nays, and the same were not ordered.

The question was put and the amendment was rejected.

The section was then adopted.

Section 20 was read.

Mr. Howard moved to amend as follows:

"In line 2, after the word 'State,' insert 'or any corporation exercising banking privileges;' in line 3, after the word 'endorsee,' strike out the words 'of said bank,' and insert, after the word 'bank,' where it occurs in the same line, the words 'or other corporation,' and strike out in the same line the words 'any' and 'that.' Also, at the end of line 5, after the word 'branches,' insert the words 'or other corporations.'"

And the amendments were adopted.

Mr. Moore, of Wake, moved to strike out the proviso of section 20; and it was not agreed to.

Mr. Boyden moved to strike out the whole of section 20.

Mr. Howard moved to amend by inserting in line 5, after the word 'note,' the words 'or certificate of deposit,' and in



line 13, after the word 'notes,' the words 'or certificates of deposits.' "

And the amendment were adopted.

The question recurred on the motion to strike out.

Mr. Harrison asked the yeas and nays, and the same being ordered, resulted—yeas 32, nays 65.

Those who voted in the affirmative are:

Messrs. Adams, Barrow, Boyden, Bradley, Bryan, Bynum, Caldwell of Burke, Caldwell of Guilford, Dickey, Ellis, Garrett, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Jackson, Jones of Henderson, Jones of Rowan, Lash, Logan, Love of Chatham, McLaughlin, Norfleet, Odom, Patterson, Sloan, Spencer of Montgomery, Starbuck, Stephenson, Swan, Stewart—32.

Those who voted in the negative are:

Messrs. Alexander, Allen, Bagley, Baines, Baker, Berry, Bingham, Brown, Brooks, Burgin, Conigland, Cowper, Faircloth, Forkner, Ferebee, Foy, Furches, Gahagan, Garland, Godwin, Grissom, Harrison, Howard, Jarvis, Jones of Davidson, Joyce, Joyner, King, Love of Jackson, Manly, McCauley, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, Nat. McLean, McRae, Mebane, Moore of Wake, Murphy, Pearsall, Perkins, Person, Polk, Richardson, Rumley, Russell, Rush, Settle, Satterthwaite, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Thompson, Walkup, Ward, Willey, Williams, Winburne, Winston, Wright—65.

Mr. Howard offered the following as additional sections to come in after 20:

*"Be it farther ordained,* That all writs of *scire facias* to subject bail issued from the Superior or County Courts upon judgments in action of debt, covenant, assumpsit, or account, shall be returned to Spring Term, 1867, of the Superior Courts, and should the tenth, fifth and half of the judgments be paid from Spring Term to Spring Term, time to plead shall be allowed, according to section 3 of this ordinance.

*"Be it further ordained,* That this ordinance shall not apply to judgments for costs only."



And these amendments were adopted.

By the same, the following as an additional section, which was adopted :

*"Be it further ordained,* That an act to change the jurisdiction of the Courts, and the rules of pleading therein, ratified the 11th of September, 1861; an act entitled "An Act to restore the Courts and for other purposes," ratified the 14th December, 1863; also, an act entitled "An Act to change the jurisdiction of the Courts and the rules of pleading therein," ratified the 10th of March, 1866, and all laws in conflict with this ordinance, be and the same are hereby repealed."

Mr. Eaton offered the following as an additional section, one which he asked the yeas and nays :

*"Be it further ordained,* That none of the provisions of this ordinance shall apply to defaulting public officers, or to those officers who have been guilty of any violation of their official duty, nor to executors, administrators, guardians, trustees, or agents, who have appropriated to their own private use the moneys or effects held by them as such, or who have fraudulently or negligently failed to perform their duty; and that the parties injured, in all of the cases mentioned in this section, shall have as full and as ample remedies as were allowed by the laws of the State in the year 1860."

Mr. Howard moved to amend the amendment by adding, after the word 'remedies,' the words 'against the principals.'

And it was adopted—yeas 40, nays 30.

Mr. Howard then offered the following as a substitute for the section as amended :

*"That this ordinance shall not apply to the remedies for the collection of town, county, or State revenue."*

And it was adopted.

The hour of three having nearly arrived,

Mr. Howard moved to postpone the hour of adjournment until the subject under consideration be disposed of, and it was agreed to.

The question then recurred on the passage of the section as amended, and it was adopted.



Mr. Eaton having withdrawn his call for the yeas and nays, Section 21 of the printed bill was read.

Mr. King offered the following as a substitute:

"Strike out all after the word 'ordained,' and insert 'That the General Assembly shall have power to repeal, alter or modify this ordinance; and this ordinance shall be in force from and after its ratification.'"

Mr. McIvor moved to amend the amendment as follows:

"Strike out all after the word 'repeal,' in the printed section, and insert 'make any law impairing the rights or remedies of such creditors as may commence proceedings under the provisions of this ordinance.'"

Mr. Harris, of Rutherford, moved to postpone the further consideration of the subject until Monday next, at 12 o'clock, m., and it was not agreed to.

Mr. McIvor, by consent, withdrew his amendment, and the question recurred on the substitute proposed by Mr. King, and it was not adopted—yeas 31, nays 43.

The question was then put on passing the entire ordinance on its second reading as amended.

On this question Mr. Howard demanded the yeas and nays, which were ordered, and resulted—yeas 66, nays 25.

Those who voted in the affirmative are :

Messrs. Adams, Allen, Bagley, Baines, Berry, Bingham, Bryan, Burgin, Bynum, Caldwell of Burke, Conigland, Dick, Dickey, Dockery, Forkner, Ferebee, Foy, Garland, Garrett, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Hodge, Howard, Jackson, Jones of Davidson, Jones of Henderson, Joyner, Logan, Love of Jackson, McCauley, McCorkle, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McIvor, Nat. McLean, McRae, Mebane, Moore of Chatham, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Polk, Russell, Richardson, Rush, Satterthwaite, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Thompson, Ward, Willey, Winburne, Wright—66.

Those who voted in the negative are:

Messrs. Alexander, Baker, Barrow, Boyden, Bradley, Bux-



ton, Caldwell of Guilford, Eaton, Ellis, Furches, Gahagan, Henry, King, Lash, Love of Chatham, McLaughlin, Moore of Wake, Smith of Johnston, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Walkup, Winston—25.

Mr. Howard then moved that the ordinance be printed, as amended on the second reading, pending which motion,

At 3:43, p. m., the Convention adjourned to 9 o'clock tomorrow morning.

---

### SATURDAY, JUNE 16TH, 1866.

The President called the Convention to order at 9 o'clock, a. m.

The journal of yesterday was read and approved.

Mr. Howard was called to the Chair by the President.

The Committee on Enrolments reported the following as correctly enrolled, and the same were duly ratified :

An ordinance concerning widows who have qualified as executrix to the last wills and testaments of their deceased husbands.

A resolution to print an ordinance.

A resolution to employ a temporary door-keeper, and

A resolution allowing compensation to the Principal Secretary.

Mr. Lyon asked and obtained leave to record his vote in the affirmative on the question of the passage of the Stay law on the second reading on yesterday.

On motion of Mr. Odom, leave of absence was granted to Mr. Mebane, from and after to-day.

Mr. Caldwell, of Burke, introduced (237) An Ordinance authorizing the President of the Western North-Carolina Railroad Company to loan money on the faith and credit of the State; which passed the first reading.

Mr. Patterson, from the select committee of inquiry in regard to the distillation of grain into spirits, reported adversely to any present action on the subject, as the Legislature has placed the matter in the jurisdiction of the several County



Courts; and asked to be discharged from the future consideration of the subject, and the report was concurred in.

Mr. Boyden, from the select committee, to whom was referred the petition of officers and employees of the North-Carolina Railroad Company, resident at Company's Shops, reported (238) An Ordinance to prohibit the sale of spirituous liquors within one and a half miles of the Company's Shops, which passed the first reading.

Mr. Dockery moved that the ordinance in regard to the Stay law, which passed the second reading yesterday, be printed, and the motion prevailed.

Mr. Winburne, for the Finance Committee, to whom was referred the memorial of Michael Robbins, reported adversely to the memorial, and asked to be discharged from its further consideration, and the report was concurred in.

Mr. Boyden moved to suspend the rules in order to consider (238) the Ordinance reported by him this morning, and the motion prevailed.

The ordinance was then read the second and third times and passed, and was ordered to be enrolled.

Mr. Grissom moved to take up (211) A Resolution concerning adjournment, and the motion prevailed.

The resolution was then read.

Mr. Grissom moved to strike out "Monday, 18th," and insert "Thursday, 21st," and it was accepted.

Mr. Polk moved to amend by inserting after the word "adjourn," the words "*sine die*," on which he asked the yeas and nays, which being ordered, resulted—yeas 58, nays 40.

Mr. Walkup paired off with Mr. Joyce.

Those who voted in the affirmative are:

Messrs. Alexander, Allen, Bagley, Baines, Barrow, Boyden, Bradley, Brown, Brooks, Buxton, Bynum, Caldwell of Guilford, Clark, Cowper, Dockery, Eaton, Ferebee, Foy, Furches, Gilliam, Howard, Jarvis, Jones of Rowan, Joyner, King, Love of Chatham, Love of Jackson, Manly, McCorkle, McKoy of Sampson, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Polk, Richardson, Rum-



ley, Russell, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Stephenson, Warren, Willey, Winburne, Winston, Wright—58.

Those who voted in the negative are :

Messrs. Adams, Baker, Bingham, Bryan, Burgin, Caldwell of Burke, Dick, Dickey, Ellis, Forkner, Gahagan, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Lash, Logan, Lyon, McCauley, McDonald of Chatham, McDonald of Moore, Moore of Chatham, Moore of Wake, Rush, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Starbuck, Stewart, Swan, Thompson, Ward, Williams—40.

Mr. Love, of Jackson, moved to strike out "Thursday, 21st," and insert "Monday, 25th, at 8 o'clock, a. m.," on which he asked the yeas and nays, which being ordered, resulted—yeas 53, nays 47.

Those who voted in the affirmative are :

Messrs. Adams, Alexander, Baker, Bingham, Boyden, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Dockery, Ellis, Forkner, Furches, Gahagan, Garland, Garrett, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, Lash, Logan, Love of Jackson, Lyon, McCauley, McCorkle, McDonald of Chatham, McDonald of Moore, McIvor, Moore of Chatham, Moore of Wake, Norfleet, Patterson, Richardson, Rush, Settle, Sloan, Smith of Wilkes, Starbuck, Stewart, Swan, Ward, Williams—53.

Those who voted in the negative are :

Messrs. Allen, Bagley, Baines, Barrow, Berry, Bradley, Brown, Brooks, Clark, Cowper, Eaton, Ferebee, Foy, Gilliam, Howard, Jarvis, Joyner, King, Love of Chatham, Manly, McKoy of Sampson, McGehee, N. A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Murphy, Odom, Pearsall, Polk, Perkins, Person, Rumley, Russell, Smith of Anson, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Stephenson, Thompson, Walkup, Warren, Willey, Winburne, Winston, Wright—47.



The question then recurred on the resolution as amended.

Mr. McRae moved to substitute "Friday next," for "Monday, 25th," and the President (Mr. Howard in the Chair) decided the motion in order.

Mr. Patterson asked that the question be decided so that the vote may be first taken on striking out.

The motion prevailed, and the question being first on striking out, it was not agreed to—yeas 39, nays 53.

The resolution, as amended, was then adopted, as follows:

"*Resolved*, That this Convention will adjourn, *sine die*, on Monday, 25th inst., at 8 o'clock, a. m."

Mr. Winston moved that leave of absence be granted Mr. Brooks from and after to-day, and the motion was not agreed to.

Mr. Jones, of Rowan, moved to suspend the rules in order to take up and consider (190) An Ordinance restraining the taking of excessive usury; and the motion did not prevail.

Mr. Logan moved that (202) An Ordinance for the relief of the people, by creating a circulating medium, be made the special order for Tuesday next, at 10 o'clock, a. m., and the motion prevailed.

Mr. Love, of Jackson, introduced (239) A Resolution as follows:

"*Resolved*, That hereafter no member shall be allowed to speak on any question for any greater time than fifteen minutes, nor more than twice upon the same question, without the unanimous consent of the House."

He moved to suspend the rule and put the resolution upon its passage.

The motion prevailed and the resolution was adopted.

The hour of ten having arrived, the special order was taken up, being (224) Resolution providing for the election for 1866.

The resolution were read the second time.

Mr. Bynum moved to amend by striking out the resolutions and inserting (234) An Ordinance to change the time of elections in North-Carolina, introduced by him on yesterday.

Mr. Winston moved to postpone the further consideration of the subject and make it the special order for Tuesday next



at 10 o'clock, a. m., and it was not agreed to—yeas 30, nays 67, the yeas and nays being ordered, on motion of Mr. Cowper.

Those who voted in the affirmative are:

Messrs. Alexander, Allen, Bagley, Berry, Brown, Clark, Cowper, Eaton, Ferebee, Foy, Howard, Jarvis, Joyner, Manly, McCauley, McKoy of Sampson, McGehee, McLaughlin, Mebane, Murphy, Perkins, Person, Polk, Russell, Smith of Anson, Warren, Willey, Wilson, Winburne, Winston—30.

Those who voted in the negative are:

Messrs. Adams, Baines, Baker, Barrow, Bingham, Bradley, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Conigland, Dick, Dickey, Dockery, Ellis, Forkner, Furches, Gahagan, Garland, Garrett, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Columbus, Jones of Davidson, Jones of Henderson, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McIvor, N. A. McLean, McRae, Moore of Chatham, Moore of Wake, Norfleet, Odom, Patterson, Rumley, Rush, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Thompson, Walkup, Williams—67.

Mr. Mebane moved to suspend the subject under consideration, and take up (136) the Constitution and amendments thereto, and the motion did not prevail.

The question recurred on the adoption of the substitute for the resolution under debate.

Mr. Bynum moved to amend by striking out the words "Lieutenant-Governor," and it was adopted.

Mr. McRae moved to amend by striking out "first" before "Thursday," and inserting "third," and it was not agreed to.

The question again recurred on striking out the resolutions and inserting the substitute; on which Mr. Winburne asked the yeas and nays, and the same being ordered, resulted—yeas 57, nays 41.



Those who voted in the affirmative are :

Messrs. Adams, Baker, Barrow, Bingham, Bradley, Brooks, Bryan, Burgin, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Dockery, Ellis, Forkner, Furches, Garland, Gahagan, Garrett, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, King, Lash, Logan, Love of Jackson, Lyon, McCauley, McCorkle, McKay of Harnett, McDonald of Moore, McIvor, McRae, Moore of Chatham, Moore of Wake, Norfleet, Odom, Patterson, Rush, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Starbuck, Stephenson, Stewart, Swan, Thompson, Ward, Williams—59.

Those who voted in the negative are :

Messrs. Alexander, Allen, Bagley, Baines, Berry, Brown, Buxton, Clark, Conigland, Cowper, Eaton, Ferebee, Foy, Howard, Jarvis, Joyner, Love of Chatham, Manly, McKoy of Sampson, McDonald of Chatham, McGehee, N. A. McLean, McLaughlin, Mebane, Murphy, Pearsall, Perkins, Person, Polk, Russell, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Walkup, Warren, Willey, Wilson, Winburne, Winston, Wright— 4.

The question was then put on passing the ordinance as amended, on the second reading.

On this question the yeas and nays were ordered,

On motion of Mr. Cowper, and resulted—yeas 56, nays 40.

Those who voted in the affirmative are :

Messrs. Adams, Baker, Barrow, Bingham, Bradley, Brooks, Bryan, Burgin, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Dockery, Ellis, Forkner, Furches, Garland, Gahagan, Garrett, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, King, Lash, Logan, Love of Jackson, Lyon, McCorkle, McKay of Harnett, McDonald of Moore, McIvor, McRae, Moore of Wake, Norfleet, Odom, Patterson, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Starbuck, Stephenson, Stewart, Swan, Thompson, Ward, Williams—56.



Those who voted in the negative are:

Messrs. Alexander, Allen, Bagley, Baines, Berry, Boyden, Brown, Buxton, Clark, Conigland, Cowper, Eaton, Ferebee, Foy, Howard, Jarvis, Joyner, Manly, McKoy of Sampson, McDonald of Chatham, McGehee, N. A. McLean, McLaughlin, Mebane, Murphy, Pearsall, Perkins, Person, Polk, Rumley, Russell, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Warren, Willey, Wilson, Winburne, Winston, Wright—40.

Mr. Henry moved to suspend the rules, and put the ordinance on its final passage at this time.

On this motion the yeas and nays were ordered, on motion of Mr. Mebane, and resulted—yeas 64, nays 34.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Baker, Barrow, Bingham, Bradley, Brooks, Bryan, Burgin, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Dockery, Ellis, Forkner, Furches, Gahagan, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, King, Lash, Logan, Love of Jackson, Lyon, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McIvor, McRae, Moore of Wake, Norfleet, Odom, Patterson, Rumley, Rush, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Thompson, Walkup, Ward, Williams, Wilson—64.

Those who voted in the negative are:

Messrs. Allen, Bagley, Baines, Berry, Boyden, Buxton, Clark, Conigland, Cowper, Eaton, Ferebee, Foy, Gilliam, Howard, Jarvis, Joyner, Manly, McKoy of Sampson, McGehee, N. A. McLean, McLaughlin, Mebane, Murphy, Pearsall, Perkins, Person, Polk, Russell, Smith of Anson, Warren, Willey, Winburne, Winston, Wright—34.

The hour having arrived, the general order, being (136) the Constitution and amendments thereto, was taken up, on article 2, Legislative department.



Mr. Settle moved to postpone the general order temporarily to allow him to make a motion in regard to the ordinance last under consideration, and the motion prevailed.

He then moved that the ordinance to change the times of election in North-Carolina be made the special order for to-day at 2 o'clock, p. m., and it was so ordered—yeas 66, nays 83, the yeas and nays being ordered, on motion of Mr. Winston.

Those who voted in the affirmative are :

Messrs. Adams, Alexander, Baines, Baker, Barrow, Bingham, Bradley, Brooks, Bryan, Burgin, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Dockery, Ellis, Forkner, Furches, Gahagan, Garland, Garrett, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, King, Lash, Logan, Love of Jackson, Lyon, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McIvor, N. A. McLean, McRae, Moore of Chatham, Moore of Wake, Norfleet, Odom, Patterson, Rumley, Rush, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Thompson, Walkup, Ward, Williams—66.

Those who voted in the negative are :

Messrs. Allen, Bagley, Berry, Boyden, Brown, Buxton, Clark, Conigland, Cowper, Eaton, Ferebee, Foy, Howard, Jarvis, Joyner, Manly, McKoy of Sampson, Nat. McLean, McLaughlin, Mebane, Pearsall, Perkins, Person, Polk, Russell, Smith of Anson, Spencer of Hyde, Warren, Willey, Wilson, Winburne, Winston, Wright—33.

The Constitution and amendments thereto was then considered, the pending question being on the substitute of Mr. Bynum for the amendment of Mr. Phillips.

On this question Mr. Allen asked the yeas and nays, and they were not ordered.

After some further discussion of the subject, the question was put on the adoption of the substitute.

On which Mr. Gilliam, demanded the yeas and nays.



Mr. Caldwell, of Burke, raised a point of order :

"The yeas and nays having been ordered and refused, and no other action having been since taken, it is not now in order to move for a record of the yeas and nays."

The Chair decided adversely to the point of order.

From this decision Mr. Caldwell, of Burke, appealed to the House, and the decision of the Chair was sustained—yeas 54, nays 22.

The yeas and nays were then ordered, and the substitute was not adopted—yeas 44, nays 53.

Those who voted in the affirmative are :

Messrs. Adams, Baker, Bingham, Bradley, Bryan, Burgin, Bynum, Caldwell of Burke, Diek, Dickey, Dockery, Ellis, Forkner, Gahagan, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Logan, Love of Jackson, Lyon, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, Patterson, Rush, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Starbuck, Stephenson, Stewart, Swan, Thompson, Ward—44.

Those who voted in the negative are :

Messrs. Alexander, Allen, Bagley, Baines, Berry, Boyden, Brown, Buxton, Caldwell of Guilford, Clark, Conigland, Cowper, Eaton, Faireloth, Ferebee, Foy, Furches, Gilliam, Grissom, Howard, Jarvis, Joyner, King, Lash, Manly, McIvor, McCauley, McKoy of Sampson, McGehee, Nat. McLean, McLaughlin, Mebane, Moore of Wake, Norfleet, Odom, Polk, Pearsall, Perkins, Person, Phillips, Richardson, Rumley, Russell, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Walkup, Warren, Willey, Williams, Wilson, Winburne, Winston—53.

The question then recurring on the amendment of Mr. Phillips,

He moved to strike out of section 3 the words "and shall remain as it is," and it was agreed to.

And as thus amended the article passed the second reading.

At 1:45 p. m., Mr. Phillips moved to take up the special



order for 2 o'clock this day, being (234) the Ordinance to change the time of elections in North-Carolina, and it was agreed to.

The ordinance was then read the second time.

Mr. Phillips moved to amend by adding two sections, the one apportioning the members of the House of Commons until 1871, and the other repealing all laws in contravention of this ordinance.

On this amendment Mr. Love, of Jackson, asked the yeas and nays, and the same were ordered to be recorded.

Mr. Moore, of Wake, moved to amend as follows :

"Add to the second section offered by Mr. Phillips, the words: '*Provided, nevertheless*, That in case the Constitution be not ratified by the people, this ordinance shall have no effect except that the elections shall be held at the time designated, and shall be held under the law as it existed in the year 1861, save that the county of Harnett may vote for a member as heretofore provided.'"

And it was adopted.

The question then recurred on the amendment of Mr. Phillips, as thus amended, and it was adopted—yeas 63, nays 36.

Those who voted in the affirmative are :

Messrs. Adams, Alexander, Baker, Barrow, Bingham, Boyden, Bradley, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Dockery, Ellis, Forkner, Furches, Gahagan, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, King, Lash, Logan, Love of Jackson, McCorkle, McKay of Harnett, McDonald of Moore, McIvor, McLaughlin, McRae, Moore of Wake, Norfleet, Odom, Patterson, Phillips, Richardson, Rush, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Thompson, Walkup, Ward, Williams—63.

Those who voted in the negative are :

Messrs. Allen, Bagley, Baines, Berry, Brown, Conigland,.



Clark, Cowper, Eaton, Faircloth, Ferebee, Foy, Gilliam, Grissom, Howard, Joyner, Lyon, McCauley, McKoy of Sampson, McDonald of Chatham, McGehee, Nat. McLean, Mebane, Murphy, Pearsall, Perkins, Person, Polk, Russell, Smith of Anson, Spencer of Hyde, Warren, Wiley, Winburne, Winston, Wright—36.

Mr. Thompson moved that leave of absence be granted Mr. Dockery from and after Monday next, and it was not agreed to.

Mr. Boyden moved that leave of absence be granted Mr. McLaughlin from and after Thursday next, and the motion did not prevail.

Mr. Phillips moved to reconsider the last vote, and the Convention refused to reconsider.

Mr. Moore, of Wake, moved to suspend the standing rule for the daily adjournment, and that the Convention do now adjourn.

The motion prevailed, and at 2:45 p. m., the Convention adjourned to 9 o'clock Monday.

#### MONDAY, JUNE 18TH, 1866.

The President called the Convention to order at 9 o'clock, a. m.

Prayer by Rev. J. M. Atkinson of the Presbyterian church.

The journal of Saturday was read and approved.

Mr. Buxton was called to the Chair by the President.

Mr. Wright, for the Finance Committee, to whom was referred a communication from His Excellency, the Governor, in regard to the great seal of the State, reported (240) An Ordinance to repeal section 20 of chapter 53, Revised Code, which passed the first readings.

He then moved to suspend the rules and put the ordinance on its second and third reading.

The motion prevailed; the ordinance was read and passed the second and third readings, and was ordered to be enrolled.

Mr. McRae introduced (241) A Resolution as follows:



*Resolved*, That the Convention will not entertain any ordinance or resolution of a legislative character, from and after 12 o'clock this day, unless reported from some committee, or by the unanimous consent of the House, except such as are now on the calendar."

Which was passed under a suspension of the rules.

The President presented a communication from D. D. Ferebee, Esq., and Hon. W. N. H. Smith, Commissioners to inquire and report in regard to the condition of the Albemarle and Chesapeake Canal Company, announcing that they had not been able to perform the duties assigned them for want of access to the necessary documents, which was read.

Mr. Satterthwaite thereupon introduced (242) Resolution to continue the Commission and enlarge its powers; which was adopted, under a suspension of the rules.

Mr. Satterthwaite moved to take up (162) An Ordinance to pay the Provisional Judges for holding Courts of Oyer and Terminer; and it was agreed to.

The substitute recommended by the committee was adopted and the ordinance, as thus amended, passed the second and third readings, and was ordered to be enrolled.

Mr. Wright moved to take up for consideration (125) An Ordinance to amend the Charter of the Governor's Creek Transportation and Mining Company, and the motion prevailed.

The ordinance then passed the second and third readings, and was ordered to be enrolled.

Mr. Conigland moved to take up for consideration (232) Resolution in regard to tax on Cotton by the United States Congress; and it was not agreed to.

Mr. Foy moved to take up for consideration (117) An Ordinance for the relief of the people who have sustained losses by the war; and the motion did not prevail.

Mr. King moved to take up and consider (159) An Ordinance extending the time for Sheriffs and Tax Collectors for settling for taxes; and the motion prevailed.

The ordinance was then read the second time.

Mr. Adams moved to amend as follows:



"Strike out 'December 31st,' and insert 'December 1st, 1866.'"

And it was adopted.

After some further consideration,

Mr. Pearsall moved to strike out "1st December, 1866," and insert "1st January, 1867."

Mr. Howard asked a division of the question, and it was so ordered.

The question was then put on striking out, and decided in the affirmative.

The question was then on passing the ordinance on its second reading; on which Mr. Cowper asked the yeas and nays, which being ordered, resulted—yeas 62, nays 34.

Those who voted in the affirmative are:

Messrs. Adams, Allen, Bagley, Baker, Berry, Bingham, Bradley, Brown, Bryan, Caldwell of Burke, Caldwell of Guilford, Clark, Dickey, Ellis, Faircloth, Ferebee, Foy, Furches, Gahagan, Garland, Garrett, Godwin, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jones of Davidson, Jones of Henderson, King, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCorkle, McKoy of Sampson, McDonald of Chatham, McIvor, N. A. McLean, Nat. McLean, McRae, Moore of Chatham, Murphy, Patterson, Pearsall, Perkins, Person, Polk, Richardson, Rush, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Stephenson, Swan, Stewart, Ward, Williams, Wilson—61.

Those who voted in the negative are:

Messrs. Alexander, Barrow, Boyden, Brickell, Brooks, Burgin, Buxton, Bynum, Cowper, Dick, Eaton, Forkner, Gilliam, Harris of Guilford, Howard, Jarvis, Lash, Manly, McDonald of Moore, McLaughlin, Moore of Wake, Norfleet, Phillips, Rumley, Satterthwaite, Spencer of Montgomery, Starbuck, Thompson, Walkup, Warren, Willey, Winburne, Winston, Wright—34.

Mr. Logan moved to make this ordinance the special order for Wednesday next, at 10 o'clock, a. m., and it was agreed to.



Mr. Wright, for the Finance Committee, reported back (177) An Ordinance to authorize W. B. Campbell to collect arrears of taxes, with an amendment, and recommended its passage.

The hour of 11 o'clock having arrived, the Convention took up the general order, being (136) the Constitution and amendments thereto.

Mr. Moore, of Wake, moved amendments to article 2, Legislative department, as follows:

"In section 8, lines 1 and 2, strike out the words 'white person.'"

"In section 9, line 2, strike out the words 'a white person.'"

"In section 10, line 1, strike out 'white.'"

"In section 11, line 1, strike out 'free white.'"

And these amendments were adopted.

Mr. Moore, of Wake, moved to amend the article further as follows:

"Strike out section 13, and insert the following in lieu thereof: 'SECTION 13. Each person elected to the Senate and House of Commons shall hold his seat from the time of his election until the next biennial election.'"

"SEC. 14. The Senate and House of Commons shall meet biennially, and when assembled shall be denominated "The General Assembly."

"SEC. 15. The House of Commons shall choose their own Speaker and other officers."

"SEC. 16. The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless they be equally divided."

"SEC. 17. The Senate shall choose their other officers, and also a Speaker, *pro tempore*, in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor."

"SEC. 18. Each House shall be judge of the qualifications and elections of its own members; shall sit upon its own adjournments from day to day; prepare bills to be passed into laws; direct writs for supplying intermediate vacancies, and may also jointly adjourn to any future day or place."

Mr. Howard moved to amend the amendment by striking out the section numbered 16, and asked the yeas and nays; which were ordered, and resulted—yeas 18, nays 76.



Those who voted in the affirmative are:

Messrs. Alexander, Baker, Barrow, Berry, Conigland, Cowper, Eaton, Gahagan, Gilliam, Howard, McKoy of Sampson, McIvor, Person, Smith of Anson, Stewart, Walkup, Winburne, Winston—18.

Those who voted in the negative are:

Messrs. Adams, Allen, Bagley, Bingham, Boyden, Bradley, Brickell, Brown, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Clark, Dick, Dickey, Ellis, Faircloth, Forkner, Ferebee, Foy, Furches, Garland, Garrett, Godwin, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, King, Lash, Logan, Love of Jackson, Lyon, Manly, McCauley, McCorkle, McDonald of Chatham, McDonald of Moore, McGehee, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Patterson, Pearsall, Perkins, Phillips, Rush, Satterthwaite, Settle, Sloan, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starback, Stephenson, Swan, Thompson, Ward, Warren, Willey, Williams, Wilson, Wright—76.

Mr. Phillips moved to strike out of section 16 the words "for purposes of legislation;" and it was agreed to.

The amendment of Mr. Moore was then adopted.

Mr. Moore, of Wake, then proposed to amend section 8 by filling the blank in regard to age of Senators with the word "thirty."

Mr. Furches moved to amend by inserting "twenty-five," and it was not agreed to.

The amendment of Mr. Moore was then adopted.

Mr. Moore, of Wake, moved to amend the same section by striking out "hundred," in line 7, and filling the blank with the words "one thousand."

On this question Mr. Henry asked the yeas and nays, which were ordered, and resulted—yeas 44, nays 46.

Those who voted in the affirmative are:

Messrs. Alexander, Allen, Bagley, Barrow, Boyden, Brooks, Buxton, Caldwell of Guilford, Clark, Conigland, Cowper,



Eaton, Faircloth, Forkner, Ferebee, Furches, Harris of Guilford, Howard, Jones of Davidson, Lash, Manly, McDonald of Moore, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Wake, Murphy, Norfleet, Patterson, Pearsall, Phillips, Rush, Smith of Anson, Spencer of Montgomery, Starbuck, Thompson, Walkup, Willey, Winston—44.

Those who voted in the negative are:

Messrs. Adams, Baker, Berry, Bingham, Bradley, Brown, Bryan, Burgin, Bynum, Dick, Dickey, Ellis, Foy, Gahagan, Garland, Garrett, Gilliam, Godwin, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jarvis, Jones of Henderson, King, Logan, Love of Jackson, Lyon, McCauley, McCorkle, McDonald of Chatham, Moore of Chatham, Perkins, Person, Richardson, Satterthwaite, Settle, Sloan, Smith of Wilkes, Spencer of Hyde, Stephenson, Stewart, Swan, Ward, Williams—46.

Mr. Gilliam then moved to strike out of lines 6 and 7 the words "real estate in fee or freehold of not less than — hundred dollars," and insert "not less than three hundred acres of land in fee."

Mr. Forkner, to amend the amendment by inserting the words "one hundred acres of land with not less than one thousand dollars."

Mr. Howard moved to amend the clause proposed to be stricken out by filling the blank with the word "six."

On this motion Mr. Furches asked the yeas and nays, which were ordered, and resulted—yeas 57, nays 29.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Allen, Bagley, Baker, Barrow, Boyden, Bradley, Brickell, Brown, Brooks, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Conigland, Clark, Dick, Dickey, Ellis, Faircloth, Forkner, Furches, Garland, Garrett, Harris of Guilford, Howard, Jones of Davidson, Jones of Henderson, King, Lash, Manly, McCauley, McDonald of Moore, McGehee, McIvor, Nat. McLean, McLaughlin, Moore of Wake, Norfleet, Patterson, Pearsall, Perkins, Phillips, Smith of Anson, Spencer of Hyde, Spencer



of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Warren, Willey, Wilson, Winston, Wright—57.

Those who voted in the negative are:

Messrs. Berry, Bryan, Cowper, Eaton, Ferebee, Foy, Gahagan, Gilliam, Godwin, Harris of Rutherford, Haynes, Henry, Jackson, Jarvis, Logan, Love of Jackson, Lyon, McCorkle, Person, Richardson, Rush, Satterthwaite, Settle, Smith of Wilkes, Stewart, Swan, Ward, Williams, Winburne—29.

Mr. Forkner then withdrew his amendment.

Mr. Caldwell moved, as an amendment to the amendment of Mr. Gilliam, the words "and shall have annually paid the tax thereon," but by consent, afterwards withdrew it.

Mr. Love, of Jackson, offered an amendment to the amendment of Mr. Gilliam, to add the words "or a freehold of value not less than one thousand dollars," and it was adopted—yeas 47, nays 29. •

The question then recurred on the amendment of Mr. Gilliam, as amended, and it was adopted—yeas 54, nays 88; the yeas and nays being ordered, on motion of Mr. Howard.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Allen, Bagley, Barrow, Berry, Boyden, Brickell, Brown, Burgin, Buxton, Caldwell of Burke, Clark, Conigland, Cowper, Dickey, Eaton, Faireloth, Forkner, Ferebee, Garland, Garrett, Gilliam, Godwin, Howard, King, Love of Jackson, Manly, McDonald of Moore, McGehee, McIvor, N. A. McLean, McLaughlin, McRae, Moore of Wake, Murphy, Norfleet, Patterson, Pearsall, Perkins, Phillips, Rush, Satterthwaite, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Thompson, Walkup, Warren, Willey, Wilson, Winburne, Wright—54.

Those who voted in the negative are:

Messrs. Baker, Bingham, Bradley, Bryan, Caldwell of Guilford, Dick, Ellis, Foy, Furches, Gahagan, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Lash, Logan, Lyon, McCauley, McCorkle, McKoy of Sampson, McDonald of Chatham, Moore of Chatham, Person, Richardson, Settle,



Sloan, Starbuck, Stephenson, Stewart, Swan, Ward, Williams, Winston—38.

Mr. Logan moved to amend section 8, line 3, by striking out the word "one," and insert "ten."

Mr. Baker, to amend the amendment, by inserting "five" instead of "ten."

Mr. Howard asked a division of the question, and the motion prevailed.

The question was then put on striking out, and it was not agreed to.

Mr. Bryan moved to amend as follows :

"Add, at the end of the section as amended, the words 'and shall have been, at all times, loyal to the United States.'"

Before any action was had thereon, Mr. Bryan proposed to withdraw the amendment.

Objection was raised, when the Chair decided he had a right to withdraw it, and it was accordingly withdrawn.

Mr. Sloan moved to suspend the rule in regard to adjournment, and that the Convention do now adjourn, and it was not agreed to.

Section 8 was adopted, and section 9 was read.

Mr. Forkner moved to amend by striking out all after the word "elections," in line 4 of the printed bill.

Mr. N. A. McLean moved to amend the clause proposed to be stricken out by filling the blank with the word "five," and it was adopted.

The question then recurred on the amendment of Mr. Forkner.

Pending the consideration of which, the hour of three arrived, and the Convention adjourned.

---

## TUESDAY, JUNE 19TH, 1866.

The President called the Convention to order at 9 o'clock, a. m.

The journal of yesterday was read and approved.

Mr. McRae was called to the Chair by the President.



Mr. Caldwell, of Burke, introduced the following, which was adopted :

*“Resolved, That no delegate shall speak more than one time, and not longer than five minutes, on the third reading of any ordinance or resolution.”*

Mr. Patterson moved to take up and consider (206) A Resolution on lighting the Capitol with gas, and the motion prevailed.

The resolution was read and adopted, and ordered to be enrolled.

Mr. Grissom moved to take up and consider (166) An Ordinance to authorize the exchange of State bonds for certain purposes, and it was agreed to.

The question was on the passage of the ordinance on the second reading.

The second substitute recommended by the committee was read.

Before any action was had thereon, the hour of 10 o'clock arrived, and

The special order was taken up, being (202) An Ordinance for the relief of the people by creating a circulating medium.

The ordinance was read the second time.

Mr. Foy offered as a substitute (117) An Ordinance for the relief of the people who have sustained losses by the war; which being read,

Mr. Smith, of Johnston, moved to amend the same as follows :

*“Provided, That the provisions of this ordinance shall not apply to original secessionists.”*

Mr. Warren moved to lay the whole subject on the table.

On this motion Mr. Caldwell, of Guilford, asked the yeas and nays, which were ordered, and resulted—yeas 49, nays 45.

Those who voted in the affirmative are :

Messrs. Allen, Baines, Baker, Barrow, Brickell, Brown, Clark, Conigland, Cowper, Dickey, Eaton, Faircloth, Forkner, Gahagan, Gilliam, Grissom, Hodge, Howard, Jarvis, Joyner, King, Manly, McKoy of Sampson, McDonald of Chatham, McGehee, McIvor, Nat. McLean, McLaughlin, Norfleet, Pear-



sall, Perkins, Person, Phillips, Polk, Pool, Richardson, Satterthwaite, Settle, Spencer of Montgomery, Stephenson, Stewart, Thompson, Walkup, Ward, Warren, Williams, Wilson, Winburne, Winston—49.

Those who voted in the negative are:

Messrs. Adams, Alexander, Bagley, Berry, Bingham, Boyden, Bryan, Burgin, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Ellis, Foy, Furches, Garland, Garrett, Godwin, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, Lash, Logan, Love of Jackson, Lyon, McCauley, McDonald of Moore, McRae, Moore of Chatham, Patterson, Rumley, Rush, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Starbuck, Swan—45.

Mr. McGehee introduced the following, which was read and adopted:

*“Resolved*, That the Public Treasurer communicate to the Convention the amount of registered bonds outstanding, when issued, for what purpose, when the same are payable, and the date of maturity.

Also, the amount of bonds issued since the 20th of May, 1861, to what company issued, under what authority, and when the same were issued from the Treasury. Also, all information within his knowledge, in regard to endorsements on coupon bonds.”

Mr. Settle moved that (194) An Ordinance limiting the action of railroad companies, be made the special order for to-morrow (20th inst.,) at 9½ o'clock, and it was agreed to.

Mr. Howard moved to take up for consideration (215) An Ordinance to change the jurisdiction of the Courts and the rules of pleading therein; and on this motion he asked the yeas and nays, which were ordered, and the motion did not prevail—yeas 39, nays 52.

Those who voted in the affirmative are:

Messrs. Adams, Allen, Bagley, Baines, Berry, Brickell, Brown, Conigland, Cowper, Forkner, Ferebee, Foy, Garrett, Gilliam, Grissom, Howard, Jarvis, Jones of Rowan, Joyner,



Love of Jackson, Lyon, Manly, McCauley, Nat. McLean, Moore of Chatham, Pearsall, Perkins, Person, Phillips Richardson, Rumley, Satterthwaite, Settle, Sloan, Smith of Anson, Spencer of Hyde, Williams, Wilson, Winburne—39.

Those who voted in the negative are :

Messrs. Alexander, Baker, Barrow, Bingham, Boyden, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Clark, Dick, Dickey, Eaton, Ellis, Faircloth, Furches, Gahagan, Garland, Godwin, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, King, Lash, Logan, McDonald of Chatham, McDonald of Moore, McIvor, N. A. McLean, McLaughlin, McRae, Moore of Wake, Norfleet, Patterson, Polk, Rush, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Walkup, Winston—52.

The hour of 11 o'clock having arrived, the Convention took up the Constitution and amendments thereto, the question being on the amendment of Mr. Forkner to section 9, article 2, Legislative department.

Mr. King moved to amend the clause proposed to be stricken out as follows :

“Strike out all after the word ‘represent,’ in line 6, to the word ‘hundred,’ in line 7, and insert the words ‘one hundred acres of land, or a freehold of the value of three hundred dollars.’”

Mr. Baker moved to amend the amendment as follows :

“In line 4, strike out all after the word ‘for,’ and insert ‘five years immediately preceeding his election, and for one year shall have possessed and continue to possess in the county which he represents taxable property of the value of five hundred dollars.’”

And it was not adopted.

The question then recurred on the amendment of Mr. King.

On which Mr. Clark asked the yeas and nays ; which were ordered, and resulted—yeas 50, nays 49.

Those who voted in the affirmative are :

Messrs. Alexander, Bagley, Baines, Berry, Boyden, Brickell,



Buxton, Caldwell of Burke, Caldwell of Guilford, Cowper, Dickey, Eaton, Faircloth, Ferebee, Gilliam, Godwin, Harris of Guilford, Hodge, Joyner, King, Lash, Manly, McDonald of Moore, McGehee, McIvor, N. A. McLean, Nat. McLean, McRae, Moore of Wake, Murphy, Patterson, Pearsall, Polk, Perkins, Phillips, Rush, Satterthwaite, Smith of Anson, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Warren, Wilson, Winburne, Winston, Wright—50.

Those who voted in the negative are:

Messrs. Adams, Allen, Baker, Barrow, Bingham, Bradley, Brown, Bryan, Burgin, Bynum, Clark, Dick, Ellis, Forkner, Foy, Furches, Gahagan, Garland, Garrett, Grissom, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, Logan, Love of Jackson, Lyon, McCauley, McCorkle, McKoy of Sampson, McDonald of Chatham, McLaughlin, Moore of Chatham, Norfleet, Person, Pool, Richardson, Rumley, Settle, Sloan, Smith of Wilkes, Stewart, Swan, Ward—49.

The question then recurred on the motion of Mr. Forkner to strike out.

On which Mr. Furches asked the yeas and nays, which were ordered, and resulted—yeas 47, nays 50.

Those who voted in the affirmative are:

Messrs. Adams, Baker, Bingham, Bradley, Brown, Bryan, Burgin, Bynum, Clark, Dick, Dickey, Ellis, Forkner, Foy, Furches, Gahagan, Garland, Garrett, Grissom, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, Logan, Love of Jackson, Lyon, McCauley, McCorkle, McDonald of Chatham, McDonald of Moore, McLaughlin, Moore of Chatham, Norfleet, Person, Pool, Richardson, Settle, Sloan, Smith of Wilkes, Stephenson, Stewart, Swan, Ward—47.

Those who voted in the negative are:

Messrs. Alexander, Allen, Bagley, Baines, Barrow, Berry, Boyden, Brickell, Buxton, Caldwell of Burke, Caldwell of Guilford, Cowper, Eaton, Faircloth, Ferebee, Gilliam, Godwin, Harris of Guilford, Hodge, Joyner, King, Lash, Manly,



McKoy of Sampson, McGehee, McIvor, N. A. McLean, Nat. McLean, McRae, Moore of Wake, Murphy, Patterson, Pearsall, Perkins, Phillips, Polk, Rumley, Rush, Smith of Anson, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Starbuck, Thompson, Walkup, Warren, Wilson, Winburne, Winston, Wright—50.

Mr. Baines moved to amend as follows:

"In line 2, strike out the word 'one,' and insert 'five.'"

On this question Mr. McDonald, of Chatham, asked the yeas and nays; which were ordered, and resulted—yeas 31, nays 66.

Those who voted in the affirmative are:

Messrs. Alexander, Allen, Baines, Barrow, Berry, Boyden, Brickell, Gahagan, Godwin, Jarvis, Joyner, King, Lash, McCorkle, McKoy of Sampson, McDonald of Moore, McIvor, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Pearsall, Phillips, Rush, Satterthwaite, Starbuck, Stewart, Walkup, Wilson—31.

Those who voted in the negative are:

Messrs. Adams, Bagley, Baker, Bingham, Bradley, Brown, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Clark, Cowper, Dick, Dickey, Eaton, Ellis, Faircloth, Forkner, Ferebee, Foy, Furches, Garland, Garrett, Gilliam, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, Logan, Love of Jackson, Lyon, Manly, McCauley, McDonald of Chatham, McGehee, N. A. McLean, Nat. McLean, Patterson, Person, Polk, Pool, Richardson, Rumley, Settle, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Stevenson, Thompson, Ward, Warren, Winburne, Winston, Wright—66.

Mr. Baker moved to amend as follows:

"In line 4, strike out the word 'one,' and insert 'five.'"

On motion of Mr. Clark the question was divided, and the vote first taken on striking out, and decided in the negative.

Mr. Caldwell, of Burke, moved to amend by adding at the



end of the section the words "and shall annually pay the taxes thereon;" and it was not agreed to—yeas 29, nays 42.

The section, as amended, was adopted.

Section 10 was read.

Mr. Moore, of Wake, moved to strike out of line 2, the words "native or naturalized," and it was agreed to.

Mr. Pearsall moved to amend by striking out of line 6 the word "public."

Mr. Moore, of Wake, to amend the amendment so as to make it read "such taxes as are due from him for two years next preceding the day of election," and it was not agreed to.

The question was then put on the amendment of Mr. Pearsall, and it was not adopted.

Mr. Clark moved to strike out the words "and shall have paid public taxes," and the motion did not prevail.

The section, as amended, was then adopted.

Section 11 was read.

Mr. Moore, of Wake, moved to strike out from line 2 the words "native or naturalized," and it was agreed to.

Mr. Gilliam moved to amend as follows:

"Strike out of lines 4, 5 and 6 the words "and of the county in which he proposes to vote, for six months next before the day of election."

And it was not adopted.

The section, as amended, was then adopted.

Section 12 was read.

Mr. Moore, of Wake, offered the following as a substitute as follows:

"Every person having one-fourth or more of negro blood, shall be deemed a person of color."

Mr. Manly moved to amend the amendment by striking out "one-fourth," and inserting "one-sixteenth," and it was agreed to, and as thus amended the substitute was adopted.

Mr. Satterthwaite introduced the following, as a separate section, and it was adopted:

"No new county shall be formed and established unless there shall be within the proposed boundaries thereof, the



one-hundred and twentieth part of the entire population of the State, nor if the population of the county, or any of the counties from which it may be proposed to form and establish the same shall thereby be reduced below the one-hundred and twentieth part of the entire population of the State."

Mr. Settle then moved to amend article 5, section 4, as follows:

"Add at the end of line 6, the words "and no person who shall hold any office or place of trust or profit in any incorporated bank or railroad company, shall be eligible to a seat in either House of the General Assembly."

Pending the consideration of this amendment, the hour of three arrived, and the Convention adjourned to 9 o'clock tomorrow morning.

---

### WEDNESDAY, JUNE 20TH, 1866.

The Convention was called to order by the President at 9 o'clock.

The journal of yesterday was read and approved.

Mr. Satterthwaite was called to the Chair by the President.

Mr. Ward, for the Committee on Corporations, made a report as follows:

On (222) An Ordinance to amend the Charter of the Fairfield Canal Company, recommending that no action be taken on the subject, and asked to be discharged from its further consideration.

Also, on (235) An Ordinance to incorporate the Wilmington Railway Bridge Company, and recommended its passage.

Mr. Wright moved to suspend the rules and put the ordinance on its second and third readings, and the motion prevailed.

The ordinance was then read the second time.

Mr. Buxton moved to amend by adding at the end of section 2 the following words:



"*Provided*, That the requirements of section 32, chapter 101, Revised Code, be complied with."

And the amendment was adopted.

As thus amended the ordinance passed the second and third readings, and was ordered to be enrolled.

Mr. Grissom introduced the following, which was read and adopted under a suspension of the rules:

"1. *Resolved*, That the sessions of this Convention shall be from 9 o'clock, a. m., to 2 o'clock, p. m., and meet again at 4 o'clock, p. m.

2. *Resolved, further*, That this resolution go into immediate effect."

Mr. Wright, for the Committee of Finance, reported (243) An Ordinance to empower the Justices of the several counties to borrow money in certain cases, and for other purposes; which passed the first reading and was ordered to be printed.

The hour of 9½ o'clock having arrived,

The special order, (194) An Ordinance limiting the action of Railroad Companies, was taken up on the second reading.

Mr. Moore, of Wake, offered to amend as follows:

"Add, at end of section 5, the words 'this ordinance shall be subject to Legislative control.'"

And it was adopted.

Mr. Allen moved to amend as follows:

"Fill the blank in section 1 with '\$1,000,' in section 2 with '\$1,000,' and in section 3 with '\$1,000.'"

And the amendments were adopted.

Mr. Phillips moved to amend section 5 as follows:

"This ordinance shall take effect from and after the 15th of July, 1866."

Mr. McIvor moved to lay the subject on the table; on which he asked the yeas and nays, and the same being ordered, resulted—yeas 48, nays 47.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Bagley, Baker, Barrow, Berry, Bingham, Boyden, Bryan, Burgin, Buxton, Caldwell of Burke Dick, Dickey, Eaton, Ellis, Faircloth, Furches, Garlar Garrett, Gilliam, Henry, King, Lash, McDonald of M



McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, Moore of Wake, Norfleet, Odom, Patterson, Phillips, Rush, Satterthwaite, Sloan, Smith of Anson, Smith of Wilkes, Starbuck, Stephenson, Walkup, Warren, Willey, Wilson, Winston, Wright—48.

Those who voted in the negative are:

Messrs. Allen, Baines, Bradley, Brickell, Bynum, Caldwell of Guilford, Clark, Cowper, Forkner, Ferebee, Foy, Gahagan, Grissom, Harris of Rutherford, Harrison, Haynes, Hodge, Howard, Jackson, Jones of Davidson, Jones of Henderson, Joyner, Logan, Love of Jackson, Lyon, Manly, McCauley, McCorkle, McKoy of Sampson, McKay of Harnett, McRae, Moore of Chatham, Murphy, Pearsall, Perkins, Person, Polk, Richardson, Rumley, Settle, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Stewart, Swan, Ward, Winburne—47.

Mr. King then moved that (159) An Ordinance extending the time for Sheriffs and Tax Collectors to make settlement of taxes, be made the special order for to-morrow (21st) at 10 o'clock, a. m., and it was agreed to.

Mr. McRae, to make (215) An Ordinance changing the jurisdiction of the Courts and the rules of pleading therein, the special order for to-morrow at 9½ o'clock, a. m., and it was so ordered.

The hour of 11 having arrived, the Constitution and amendments thereto was taken up; the question being on the adoption of the amendment of Mr. Settle to section 4, of article 5.

Mr. Bynum offered the following as a substitute for the amendment of Mr. Settle:

"In line 4, between the words 'government' and 'shall,' insert 'or who shall hold any office having a salary attached to it, in any corporation in which the State owns stock.'"

Mr. Caldwell, of Burke, moved to amend this substitute by adding "also, any person who may be a stockholder in any corporation, if the value of the stock owned by him shall be one thousand dollars."

And it was not adopted.



The question was then put on the amendment of Mr. Bynum, and it was decided in the negative.

The question recurred on the amendment offered by Mr. Settle.

Mr. Caldwell offered to amend the same:

“Add the words ‘also any person who may be a stockholder in any corporation, if the value of the stock owned by him shall be one thousand dollars.’”

And it was not adopted.

The question again recurred on the amendment of Mr. Settle; on which he asked the yeas and nays, and the same being ordered, resulted—yeas 32, nays 61.

Those who voted in the affirmative are:

Messrs. Allen, Baines, Baker, Bradley, Bryan, Bynum, Caldwell of Guilford, Dick, Ellis, Forkner, Foy, Gahagan, Garrett, Harris of Rutherford, Harrison, Haynes, Hodge, Jackson, Jones of Henderson, Logan, Love of Jackson, Lyon, McCorkle, McKoy of Sampson, McDonald of Moore, Moore of Chatham, Settle, Smith of Johnston, Smith of Wilkes, Swan, Stewart, Ward—32.

Those who voted in the negative are:

Messrs. Adams, Bagley, Barrow, Berry, Bingham, Boyden, Brickell, Burgin, Buxton, Caldwell of Burke, Clark, Cowper, Dickey, Eaton, Faircloth, Ferebee, Furches, Garland, Gilliam, Grissom, Henry, Howard, Jarvis, Jones of Davidson, Jones of Rowan, Joyner, King, Lash, Manly, McCauley, McKay of Harnett, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Perkins, Phillips, Polk, Richardson, Rush, Satterthwaite, Smith of Anson, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Warren, Willey, Williams, Wilson, Winburne, Winston, Wright—61.

Mr. Moore, of Wake, moved to amend the section under consideration as follows:

“In lines 2 and 3, strike out the words ‘or any department thereof.’”

And it was decided in the negative—yeas 30, nays 35.



Mr. Smith, of Johnston, moved to reconsider the vote last taken, and the motion did not prevail—yeas 27, nays 43, so the motion was lost.

Mr. Moore, of Wake, then moved to amend the section as follows:

“Strike out of lines 2 and 3 the words ‘or any department thereof,’ and insert ‘or any department of the United States, or of this State, or of any other State or Government.’”

And it was adopted.

Mr. McDonald, of Moore, moved to strike out section 3 of article 5.

Mr. Phillips raised the point of order,

‘That this section has already been adopted on this reading, therefore any further action on it, on this reading, is out of order.’

The Chair sustained the point of order, and the motion was withdrawn.

The Convention then considered the ordinance in regard to the debts of the State, hereafter to be contracted, proposed as an amendment to the Constitution, to come in as section 18, to article 2.

Mr. Love, of Jackson, offered to amend as follows:

“*Provided*, The restrictions of this section shall not extend to appropriations for carrying into effect laws now existing for building railroads.”

Mr. King moved to recommit the subject to the committee, and it was not agreed to.

The question recurred on the amendment proposed by Mr. Love; on which he asked the yeas and nays, which being ordered, the amendment was lost—yeas 25, nays 63.

Those who voted in the affirmative are:

Messrs. Alexander, Bingham, Bradley, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Ellis, Garland, Garrett, Harris of Rutherford, Harrison, Haynes, Henry, Jones of Henderson, Logan, Love of Jackson, McCorkle, McDonald of Moore, Patterson, Sloan, Smith of Wilkes, Stewart, Swan—  
25.



Those who voted in the negative are:

Messrs. Adams, Allen, Bagley, Baines, Baker, Barrow, Berry, Boyden, Brickell, Caldwell of Guilford, Clark, Conigland, Cowper, Dick, Eaton, Faircloth, Forkner, Furches, Gahagan, Gilliam, Grissom, Hodge, Howard, Jackson, Jarvis, Jones of Davidson, Joyner, King, Lash, Lyon, Manly, McCauley, McKoy of Sampson, McKay of Harnett, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, Moore of Chatham, Moore of Wake, Norfleet, Odom, Pearsall, Perkins, Person, Polk, Richardson, Rush, Satterthwaite, Smith of Anson, Smith of Johnston, Stevenson, Thompson, Walkup, Ward, Warren, Willey, Wilson, Winburne, Winston—63.

Mr. Furches offered as a substitute for the proposed section the ordinance originally reported by the select committee, on which he asked the yeas and nays.

The Chair announced a communication from His Excellency, the Governor, in regard to the scarcity of provisions in certain counties of the State, which was read and referred to the Committee of Finance.

The consideration of the amendment of Mr. Furches.

The hour of two having nearly arrived,

Mr. Satterthwaite moved that the time be extended to allow Mr. Eaton, who had the floor, to address the Convention on the subject under discussion, and it was agreed to.

At the end of Mr. Eaton's remarks the President declared the Convention adjourned to 4 o'clock.

---

#### AFTERNOON SESSION, JUNE 20TH, 1866.

The Convention re-assembled at 4 o'clock.

On motion of Mr. Harris, of Rutherford, the communication of the Governor, read this morning, in regard to scarcity of provision in certain counties, was recalled from the Finance Committee, and referred to a Select Committee of Five.

The Chair appointed Messrs. Harris of Rutherford, Patterson, Boyden, Eaton and Burgin.

The Chair announced a communication from the Public



Treasurer, in response to the resolution of inquiry adopted yesterday, which was read as follows, and laid on the table temporarily:

STATE OF NORTH-CAROLINA,

TREASURY DEPARTMENT,  
*Raleigh, June 20th, 1866.*

HON. E. G. READE, *President of the Convention:*

SIR—In response to the Resolution of the Convention, asking for information in regard to registered bonds, and internal improvement bonds, issued since May 20th, 1861, also concerning endorsement on bonds. I beg leave to report the accompanying tables, embodying the information called for, with the following explanation of the same:

I. REGISTERED STOCKS.

There are two classes of obligations of the State usually called "Registered bonds." One class comprises what are properly termed "certificates." They are without coupons attached; are payable to a person certain, whose name appears in the books of the Treasury, and are transferable only on the surrender of the certificate, and the issue of a new certificate to the purchaser. The interest is payable at the Treasury, and the holder of the certificate must receipt for the same, in person or by attorney.

Table A exhibits a list of these certificates now outstanding in all \$163,000, of which \$43,000 is due, and showing such other information connected with them as the Convention has desired me to furnish.

Another class of "Registered bonds" comprises those Coupon bonds, which, under the provisions of Act of the General Assembly of 1856 and 1857, chapter 16, have been registered on the books of the Treasury, such registration being evidenced by the certificate of the Public Treasurer, written on the bond. After this registration, the bond is no longer negotiable by delivery, but its transfer must be by



endorsement by the owner, witnessed by the Treasurer. This endorsement may be either to a person certain, or to bearer; if to bearer, the bond becomes again negotiable by delivery. The amount of ante-war coupon bonds thus registered is \$865,300, of which \$14,000 are internal improvement bonds, issued during the war.

INTERNAL IMPROVEMENT BONDS, ISSUED DURING THE WAR.

The terms of the resolution of enquiry addressed to me might seem to include ALL BONDS for whatsoever purpose issued during the war.

I am informed, however, that the object was merely to obtain information in regard to those issued to Railroad Companies since May 20th, 1861, in pursuance of acts passed before that time. I have accordingly given, in Table B, a list of the latter bonds, with date of issue, &c. The aggregate is \$1,620,000. From this should be deducted \$430,000, which by act of General Assembly of 1865 and 1866, chapter 3, not having been sold by the Wilmington, Charlotte and Rutherford Railroad Company, were surrendered to the Treasurer and new bonds, dated January 1st, 1866, delivered therefor. This would leave \$1,190,000. It will be noticed that the date of their actual issue from the Treasury does not correspond with the date of the bond. The \$250,000 issued to the Wilmington, Charlotte and Rutherford Railroad Company in 1861, appears to have been due the company for work done. The Governor declining to sign them, they were ordered by the Convention to be issued in fulfillment of past contracts. These are payable in New York in "money of the United States."

The bonds issued to the Western Railroad Company, \$200,000, and to the Western North-Carolina Railroad Company \$220,000, were ordered, by the General Assembly in 1861, to be issued to those companies in pursuance of laws passed before the war.



## ENDORSED BONDS.

These are commonly called "scratched bonds." It is a rule of the Stock Board in New York, and probably in other cities, that bonds on which any writing whatever is found, shall not be regarded as "good deliveries" in the fulfillment of contracts. Hence they can only be sold privately and generally at a less rate than "clean bonds."

These writings on the bonds have happened in various ways:

1st. Endorsements have been legitimately made in the registration of coupon bonds under the act of 1856 and 1857, chap. 16. Even when legally transferred to bearer, according to law, in most instances some discredit is attached, merely because of the stringent rules of the stock boards. This discredit seems greater when the endorsement has been made during the war, because dealers do not know and do not care to enquire whether the acts of the officer at that time, Public Treasurer, are recognized by the present State government.

2nd. Other endorsements have been made in contemplation of registration, but the proceeds was not completed. Afterwards when a sale was desired, the writing was cancelled, and the bonds thrown into market in their "scratched" condition.

This was the case with the old sixes belonging to the Sinking Fund, which were disposed of and the proceeds re-invested.

3rd. Owners have often inscribed their names on their bonds, indicating their ownership, in the hope, not founded on any law within my knowledge, that such endorsement would be a security against loss.

Writings on bonds, such as I have described, materially affect their value in market.

Very respectfully,

Your obedient servant,

KEMP P. BATTLE,  
*Public Treasurer.*



TABLE A.  
STATEMENT OF REGISTERED STOCKS.

FOR WHAT PURPOSE ISSUED.	AUTHORITY.	DATE OF ISSUE.	DATE WHEN DUE.	AMOUNT.	TOTAL.	WHAT CLASS.	REMARKS.
To pay debts of the State to Banks, &c.,	{ Acts of 1848 and 1849, chap. 37, sec. 1; and 1850 - '51, chap. 58.				\$ 43,000	{ Registered, (due and unpaid.)	Six per cent.
Fayetteville and Western Plank Road,	{ Acts of 1848 and 1849, chap. 89, sec. 20,	1849	1869	\$ 26,500	120,000	{ Registered, (interest and principal payable at the Treasury.)	Six per cent.
Do.,	Do.,	1850	1870	33,500			
Do.,	Do.,	1851	1871	40,000			
Do.,	Do.,	1852	1872	20,000			
Total aggregate,					\$ 163,000		



## TABLE

## INTERNAL IMPROVEMENT BONDS

FOR WHAT PURPOSE ISSUED	AUTHORITY.	DATE OF BOND	DATE OF ISSUE	WHEN DUE
W., C. & R. Rail Road, Do.,	Act 1858, ch. 168, Do.,	April 1, 1861. " " "	July 1, 1861. Dec. 5, 1861.	April 1, 1891, " " "
W., C. & R. Rail Road, " " " "	Act 1860, ch. 142, " " "	July 1, 1862. " " "	Nov. 26, 1862. * 1863. Feb. 27, 1864.	July 1, 1892, " " "
Western R. R., (Coalfields), " " " " " " " " " " " " " " "	Act 1860, ch. 137, " " " " " " " " " " " "	Oct. 1, 1861. " " " " " " " " " " " "	Oct. 1861, to Nov. 2, 1861, Nov. 2, to Dec. 12, 1861, Dec. 12, to Jan. 2, 1862, Jan. 2, to Feb. 1, Feb. 1, 1862, to 5th,	Oct. 1, 1891, " " " " " " " " " " " " " " "
Western N. C. Railroad, " " " " " " " " " " " "	Act 1854, ch. 28, " " " " " " " " "	Oct. 1, 1861. " " " " " " " " "	Dec. 17, 1861, Jan. 29, 1862, Feb. 5, 1862, " 8, " " 14, " Mar. 22, 1862,	Oct. 1, 1891, " " " " " " " " " " " " " " "
				Total

\*The day of the month not stated in the receipt.



B.

ISSUED SINCE MAY 20TH, 1861.

WHERE PAYABLE.	AMOUNT.	TOTAL.	REMARKS.
New York,	\$ 150,000	\$ 250,000	{ By ordinance of Convention, ratified, June 28, 1861, the Public Treasurer was directed to sign and issue these bonds.
"	100,000		
Raleigh,	100,000	950,000	{ I find no act directing the Public Treasurer to sign and issue these bonds, but under act ratified December 1865, \$480,000 were delivered to the Treasurer, and new bonds issued therefor, leaving only \$520,000 outstanding.
"	350,000		
"	500,000		
Raleigh,	3,000	200,000	{ General Assembly by resolution, ratified Aug. 1, 1861, directed the Treasurer to issue these bonds the resolution showing on its face they were due under former acts.
"	69,000		
"	40,000		
"	50,000		
"	38,000		
Raleigh,	25,000	220,000	{ By resolution of General Assembly ratified Sept. 12, 1861, the Governor was directed to instruct the Treasurer to issue said bonds, the resolution showing they were due under former acts.
"	60,000		
"	61,000		
"	21,000		
"	30,000		
"	23,000	220,000	
Aggregate,		\$1,620,000	



The unfinished business of the morning session was then resumed, the question being on the substitute of Mr. Furches to the proposed section in regard to the debts of the State.

Mr. Phillips moved to amend the proposed substitute by inserting, after the word "faith," the words directly or indirectly; and it was agreed to.

The question was then on the amendment of Mr. Furches to the section proposed by the Committee; and it was adopted.

Mr. Love then offered the following proviso to the section as amended:

*"Provided, That nothing in this section shall be so construed as releasing the State from obligations incurred by the Acts of the Legislature of 1854-'55, and 1858-'59 and 1860 and 1861, and as preventing the Legislature from carrying into effect the provisions of said acts in building the Western North-Carolina Railroad."*

And the proviso was not adopted.

The question then again recurred on the section as amended.

On which Mr. McRae asked the yeas and nays, and the same being ordered, resulted—yeas 76, nays 16.

Those who voted in the affirmative are:

Messrs. Adams, Allen, Bagley, Baines, Baker, Barrow, Berry, Boyden, Bradley, Brickell, Bryan, Buxton, Caldwell of Guilford, Clark, Conigland, Cowper, Dick, Dickey, Donnell, Eaton, Ellis, Faircloth, Forkner, Ferebee, Foy, Furches, Gahagan, Garland, Gilliam, Godwin, Grissom, Harris of Guilford, Harrison, Haynes, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, King, Lash, Lyon, Manly, McCauley, McCorkle, McKoy of Sampson, McKay of Harnett, McIvor, N. A. McLean, Nat. McLean, McLaughlin, Moore of Chatham, Murphy, Odom, Pearsall, Perkins, Person, Phillips, Polk, Richardson, Rumley, Rush, Settle, Smith of Anson, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Warren, Willey, Wilson, Winburne, Wright—76.

Those who voted in the negative are:

Messrs. Alexander, Beam, Bell, Bingham, Burgin, Bynum,



Caldwell of Burke, Garrett, Harris of Rutherford, Henry, Joyce, Logan, Love of Jackson, Sloan, Smith of Wilkes, Stewart—16.

Mr. Stewart offered a separate section on an amendment to article 5, but, by consent, withdrew it.

Mr. Forkner offered as section 6, article 7, the ordinance providing for homesteads, reported by the select committee on homesteads, and it was not adopted.

Article 3 was then read.

Mr. Caldwell, of Burke, moved to strike out all after the word "law," in the 11th line, and it was agreed to.

Mr. Phillips moved to strike out the remaining portion of the article, all after the word "house," in line 8, and the motion prevailed.

The article, as amended, then passed the second reading.

Mr. Patterson offered the following:

"*Resolved*, That the printing of the proposed Constitution, with the several amendments made thereto, be executed under the immediate supervision of the committee appointed at the last session to revise the same, and that said committee be requested to examine the proof sheets and correct the same before they are returned to the Convention."

Mr. King moved that printing be referred to a select committee, and it was not agreed to.

The resolution of Mr. Patterson was then adopted.

The communication of the Treasurer to the Convention this afternoon was, on motion, ordered to be printed.

Mr. Grissom moved to consider the motion submitted by him some days since, to reconsider the vote by which (184) An Ordinance to exchange the stocks of the State for bonds issued before 1861.

Mr. Phillips moved to lay the motion on the table.

On this motion Mr. Grissom asked the yeas and nays, and they were not ordered.

The question, on laying on the table, was then put, and carried in the affirmative.

Messrs. Moore, of Wake, and Winston, asked and obtained leave to record their votes in the affirmative on the adoption



of the section of the Constitution in regard to the indebtedness of the State.

Mr. Faircloth moved to take up (230) An Ordinance to divorce Jane F. Haven and Thomas J. Haven.

Mr. Boyden moved to lay the motion on the table, and the Convention refused—yeas 41, nays 54; the yeas and nays being ordered, on motion of Mr. Faircloth.

Those who voted in the affirmative are:

Messrs. Adams, Baker, Boyden, Brickell, Bryan, Burgin, Buxton, Clark, Conigland, Dick, Dickey, Eaton, Ferebee, Furches, Garrett, Gilliam, Godwin, Jones of Rowan, Lash, Manly, McCorkle, McKay of Harnett, McDonald of Moore, McGehee, McIvor, N. A. McLean, McLaughlin, Moore of Wake, Norfleet, Phillips, Polk, Rush, Satterthwaite, Smith of Anson, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Warren, Winson—41.

Those who voted in the negative are:

Messrs. Alexander, Allen, Bagley, Baines, Barrow, Berry, Bingham, Bynum, Caldwell of Burke, Caldwell of Guilford, Cowper, Donnell, Ellis, Faircloth, Forkner, Foy, Gahagan, Garland, Grissom, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Joyner, King, Logan, Love of Jackson, Lyon, McCauley, Nat. McLean, McRae, Moore of Chatham, Murphy, Odom, Patterson, Pearsall, Person, Richardson, Rumley, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Stewart, Swan, Willey, Wilson, Winburne, Wright—54.

The question was then put on taking up for consideration, and it was agreed to.

The ordinance was then read the second time, and the question being on its passage,

Mr. Gilliam asked the yeas and nays, which were ordered, and resulted—yeas 47, nays 46, so the ordinance passed the second reading.

Those who voted in the affirmative are:

Messrs. Adams, Allen, Bagley, Baines, Barrow, Berry, Bradley, Caldwell of Guilford, Cowper, Ellis, Faircloth, Forkner, Gahagan, Godwin, Grissom, Harris of Rutherford,



Harrison, Haynes, Henry, Jarvis, Jones of Davidson, Jones of Henderson, Joyner, King, Logan, Love of Jackson, Lyon, McCauley, McDonald of Moore, Nat. McLean, McRae, Moore of Chatham, Murphy, Odom, Pearsall, Perkins, Person, Richardson, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Stewart, Swan, Willey, Wilson, Winburne—47.

Those who voted in the negative are:

Messrs. Baker, Boyden, Brickell, Bryan, Burgin, Buxton, Caldwell of Burke, Clark, Conigland, Dick, Dickey, Donnell, Eaton, Ferebee, Foy, Furches, Garland, Garrett, Gilliam, Jackson, Jones of Rowan, Lash, Manly, McCorkle, McKoy of Sampson, McKay of Harnett, McGehee, McIvor, N. A. McLean, McLaughlin, Moore of Wake, Norfleet, Patterson, Phillips, Polk, Rush, Satterthwaite, Smith of Anson, Spencer of Montgomery, Starbuck, Stephenson, Thompson, Walkup, Warren, Winston, Wright—46.

Mr. Caldwell, of Burke, moved to take up (237) An Ordinance to authorize the President of the Western North-Carolina Railroad to borrow money, and put the same on its second reading.

The motion prevailed, and the ordinance was read the second time and passed the second reading.

Mr. Dick moved to take up and consider (208) An Ordinance to increase the salary of the Adjutant General, and the motion did not prevail.

Mr. Caldwell, of Burke, moved to make (106) An Ordinance to grant a general amnesty the special order for to-morrow, 21st, at 4 o'clock, p. m., and it was so ordered.

The Committee on Enrolments reported as correctly enroled the following, and the same were ratified in open Convention.:

An Ordinance to pay the Provisional Judges of Courts of Oyer and Terminer for services under an "Ordinance to protect the owners of property and for other purposes."

An Ordinance to change the times of elections in North-Carolina and for other purposes.

An Ordinance for exchanging the stocks of the State for



bonds issued before the year one thousand eight hundred and sixty-one.

An Ordinance to prohibit the sale of spirituous liquors within one and a half miles of the Company's Shops.

An Ordinance to amend the Charter of the Governor's Creek Transportation and Mining Company.

An Ordinance to repeal the 20th section of the 53rd chapter of the Revised Code, entitled "Governor and Council."

Resolution to continue Commissioners appointed by the Governor under an act of the General Assembly to examine into the affairs of the Albemarle and Chesapeake Canal Company, and

A Resolution on lighting the Capitol with gas.

Mr. Lyon moved to adjourn to 9 o'clock to-morrow morning, and it was not agreed to.

Mr. Walkup moved to take up for consideration (191) An Ordinance extending the time to perfect titles to land sold for taxes, and the motion prevailed.

Before any action was taken thereon,

On motion of Mr. Howard, the Convention adjourned to 9 o'clock to-morrow morning.

---

#### THURSDAY, JUNE 21st, 1866.

The President called the Convention to order at 9 o'clock.

The journal of yesterday was read and approved.

Mr. Ferebee was called to the Chair by the President.

Mr. Burgin presented a memorial signed by N. W. Woodfin, Robt. B. Vance and Thomas S. Deavor, in behalf of a meeting of citizens of Buncombe and other counties west of the Blue Ridge, with accompanying resolutions in regard to the Western North-Carolina Railroad, which were read, and on motion of Mr. Burgin, were ordered to be printed.

On motion of Mr. Phillips, Mr. Warren was appointed on the committee to revise the Constitution in place of Mr. Thompson, who is absent.



Mr. Sloan introduced (244) An Ordinance in regard to the safe keeping and publication of the ordinances of the Convention, which passed the first reading and was referred to a select committee of three.

Messrs. Sloan, Howard and Love of Jackson were appointed to constitute the committee.

At 9 o'clock, 30 minutes, the special order being (215) the Ordinance changing the jurisdiction of the Courts and the rules of pleading therein, was taken up and read the third time.

Mr. Howard moved the following verbal amendments, which were agreed to :

In section 2, line 2, after the word "only" insert the words "unless otherwise herein provided."

In section 20, line 17, strike out the word "next," and insert the same after the word "Court."

Mr. Grissom offered the following as an additional section :

*"Be it further ordained,* That no sale of real estate which may be hereafter made under executions issuing upon judgments heretofore or hereafter recovered on contracts entered into before the first day of May, A. D., 1865, shall be valid unless the same shall bring at least three-fourths of the assessed tax valuation in force at the time of such sale."

And it was not adopted.

Mr. Baker offered as a substitute for the ordinance under consideration An Ordinance providing for homesteads, and asked that the same be printed, and it was not agreed to.

The question was then put on the adoption of the substitute and decided in the negative.

Mr. Ellis moved to amend as follows :

"In line 6, section 22, strike out 'five hundred,' and insert 'one hundred.'"

And it was not adopted.

Mr. Caldwell, of Guilford, offered the following as an additional section :

*"Be it further ordained,* That while this ordinance remains in force and effect, it shall not be lawful for any one to confess



judgment, nor to make a mortgage, nor deed in trust, favoring one creditor over another."

Mr. Moore, of Wake, moved to amend the amendment by striking out the words "mortgage or deeds of trust," and it was not agreed to.

The question recurred on the amendment of Mr. Caldwell, of Guilford, and it was decided in the negative—yeas 36, nays 61, the yeas and nays being ordered, on motion of Mr. Cowper.

Those who voted in the affirmative are :

Messrs. Alexander, Baines, Baker, Barrow, Boyden, Bradley, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Cowper, Dick, Dickey, Ellis, Furches, Gahagan, Garland, Godwin, Harris of Guilford, Henry, Jackson, Jones of Davidson, Jones of Henderson, King, Love of Jackson, McCauley, McLaughlin, Patterson, Pearsall, Settle, Smith of Johnston, Spencer of Montgomery, Stephenson, Stewart, Willey—35.

Those who voted in the negative are :

Messrs. Adams, Allen, Bagley, Berry, Brickell, Bryan, Clark, Conigland, Eaton, Faircloth, Forkner, Ferebee, Foy, Garrett, Grissom, Harris of Rutherford, Harrison, Haynes, Hodge, Howard, Jarvis, Jones of Rowan, Joyner, Lash, Logan, Lyon, Manly, McCorkle, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, N. A. McLean, Nat. McLean, McRae, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Perkins, Person, Phillips, Polk, Richardson, Rumley, Rush, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Starbuck, Swan, Walkup, Ward, Williams, Wilson, Winburne, Winston, Wright—61.

Mr. Conigland offered the following, to come in as a separate section, between sections 22 and 23 :

*"Be it further ordained,* That no sale of real estate which was conveyed before the first day of May, 1865, by way of deed of trust or mortgage or otherwise, for the purpose of securing the payment of debts therein specified, shall take place, or be of any effect, until the debts in said conveyance specified shall have been reduced to judgment according to



the provisions of this act respecting debts contracted before the 1st day of May, 1865: *Provided, however,* That this section shall not be construed to defeat any lien which may have been acquired under any such deed, mortgage, or other conveyance."

And it was not adopted.

Mr. Boyden moved to amend section 23, as follows:

"Strike out all after the word 'notwithstanding,' in the 9th line, to the word 'provided,' in the 12th line, and insert 'provided the defendant offering such effects shall only be allowed the current market value in specie of the said note or certificates of deposit at the time of trial.'"

And it was not adopted.

Mr. Jones, of Rowan, moved to strike out section 17.

Mr. McRae moved to amend the section proposed to be stricken out as follows:

"Strike out all after the word 'contracted,' and insert 'after the 4th day of July, 1866.'"

After some discussion, this amendment was, by consent, withdrawn, and the question put on the motion of Mr. Jones to strike out, and decided in the negative.

Mr. Ferebee moved to amend section 23 as follows:

"In line 2, strike out 'of the State,' and also the word 'exercising,' and insert 'having exercised.'"

And it was agreed to.

Mr. Moore, of Wake, moved to amend section 23 as follows:

"In line 16, after the word 'manner,' insert 'except the same be a legal set off under section 77, chapter 31, of the Revised Code.'"

And it was not adopted.

Mr. Spencer, of Montgomery, moved to strike out section 18, and it was agreed to—yeas 33, nays 28.

Mr. Walkup moved to amend section 8 as follows:

"In line 6, strike out 'tenth,' and insert 'fifth;' in line 9, strike out 'fifth,' and insert 'half,' and in line 27, strike out 'fifth,' and insert 'half.'"

And it was not adopted.



Mr. Caldwell, of Guilford, offered the following as an additional section, between sections 24 and 25 :

*"Be it further ordained,* That the law passed by the last General Assembly repealing the one hundred and fourteenth chapter of the Revised Code, be and the same is hereby repealed."

On this question Mr. Caldwell asked the yeas and nays ; which were ordered, and resulted in the negative—yeas 46, nays 50.

Those who voted in the affirmative are :

Messrs. Adams, Alexander, Baines, Baker, Bingham, Boyden, Bradley, Bryan, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Cowper, Dick, Dickey, Forkner, Furches, Gahagan, Garland, Garrett, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Jones of Davidson, Jones of Henderson, Jones of Rowan, Logan, Love of Jackson, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, N. A. McLean, McLaughlin, Patterson, Richardson, Rush, Sloan, Stephenson, Stewart, Swan, Williams, Winburne—46.

Those who voted in the negative are :

Messrs. Allen, Bagley, Barrow, Berry, Brickell, Bynum, Clark, Conigland, Eaton, Ellis, Faircloth, Ferebee, Foy, Godwin, Grissom, Harrison, Howard, Jarvis, Joyner, King, Lash, Lyon, Manly, McKoy of Sampson, McDonald of Moore, McIvor, Nat. McLean, McRae, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Pearsall, Perkins, Person, Phillips, Polk, Rumley, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Walkup, Ward, Willey, Wilson, Winston—50.

Mr. McRae moved to reconsider the vote rejecting the amendment of Mr. Conigland this morning, but after some discussion, by consent, withdrew it.

Mr. Moore, of Wake, offered the following as an additional section :

*"Be it further ordained,* That the jurisdiction of all the Courts, and the rules of pleading, shall be the same as they were in the year eighteen hundred and sixty, as to all actions



and suits against attorneys at law and other collecting agents, who may have collected money for the persons entitled thereto; and the jurisdiction shall also be the same as to all suits and actions for the collection of all sums due on judicial sales whenever made, and as to all defaults of officers accruing after the ratification of this ordinance."

Mr. Conigland moved to amend the amendment by striking out all after the word "thereto;" and it was not agreed to.

The question recurred on the amendment of Mr. Moore of Wake, and it was not adopted—yeas 34, nays 58, the yeas and nays being ordered, on motion of Mr. Eaton.

Those who voted in the affirmative are:

Messrs. Baines, Baker, Barrow, Boyden, Burgin, Bynum, Caldwell of Burke, Caldwell of Guilford, Dickey, Eaton, Ellis, Forkner, Gahagan, Garland, Garrett, Godwin, Harris of Rutherford, Harris of Guilford, Harrison, Henry, Jackson, Jones of Henderson, King, Logan, Love of Jackson, McCauley, McIvor, Moore of Wake, Rush, Spencer of Montgomery, Starbuck, Swan, Walkup, Winston—34.

Those who voted in the negative are:

Messrs. Adams, Allen, Bagley, Berry, Bingham, Brickell, Bryan, Clark, Conigland, Cowper, Dick, Faircloth, Ferebee, Foy, Furches, Grissom, Haynes, Hodge, Howard, Jarvis, Jones of Davidson, Jones of Rowan, Joyner, Lash, Lyon, Manly, McCorkle, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McGehee, N. A. McLean, McLaughlin, McRae, Moore of Chatham, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Polk, Richardson, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Stephenson, Stewart, Ward, Willey, Williams, Wilson, Winburne, Wright—58.

Mr. Howard moved to amend section 17, line 3, as follows:

"After the word 'contracted' insert the words 'or penalties incurred,' and in line 5, after contracted, insert 'or incurred.'"

And it was adopted.

Mr. Ellis moved the following as a separate section:

"*Be it further ordained*, That this ordinance shall be left to the people for ratification or rejection: *Provided*, That no



action for debt shall be brought until this ordinance is so voted upon."

And it was not adopted.

The question was then put on the final passage of the ordinance, and decided in the affirmative—yeas 64, nays 25, the yeas and nays being ordered, on motion of Mr. Caldwell, of Guilford.

Those who voted in the affirmative are :

Messrs. Adams, Alexander, Allen, Baines, Berry, Bingham, Brickell, Burgin, Bynum, Caldwell of Burke, Conigland, Cowper, Dick, Forkner, Ferebee, Foy, Garland, Garrett, Godwin, Grissom, Harris of Rutherford, Harrison, Haynes, Hodge, Howard, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyner, Logan, Love of Jackson, Lyon, Manly, McCauley, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, MeRae, Moore of Chatham, Murphy, Norfleet, Odom, Patterson, Perkins, Person, Phillips, Polk, Richardson, Rush, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Swan, Ward, Willey, Williams, Wilson, Winburne, Wright—64.

Those who voted in the negative are :

Messrs. Bagley, Baker, Barrow, Boyden, Bryan, Buxton, Caldwell of Guilford, Dickey, Donnell, Eaton, Ellis, Gahagan, Harris of Guilford, Henry, King, Lash, McIvor, McLaughlin, Moore of Wake, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Walkup, Winston—25.

Mr. Grissom moved to take up (166) an Ordinance to authorize the exchange of State bonds for certain causes and make it the special order for to-day at 1:30, p. m., and the motion prevailed.

The special order of the day being (159) An Ordinance extending the time for settlement of the public taxes by the Sheriffs and Tax Collectors of the State, was taken up, read the third time and passed the third reading, and ordered to be enrolled.

Mr. MeRae moved a Resolution that five copies for each member of the Convention, of the ordinance changing the



jurisdiction of the Courts, and the rules of pleading therein, be printed.

Mr. Howard moved to refer the subject to the special committee appointed this morning on the subject of advertising the ordinances of the Convention, and the motion did not prevail.

The resolution of Mr. McRae was then adopted.

The business on the calendar was then taken up.

(230) An Ordinance to divorce Jane F. Havens and Thomas J. Havens was read the third time.

Mr. Howard moved to postpone indefinitely.

On which motion he asked the yeas and nays, and the same being ordered, resulted—yeas 40, nays 51, so the motion did not prevail.

Those who voted in the affirmative are :

Messrs. Baker, Boyden, Brickell, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Clark, Conigland, Cowper, Donnell, Eaton, Ferebee, Furches, Garland, Garrett, Gilliam, Henry, Howard, Jackson, Jones of Rowan, Lash, Manly, McCorkle, McKay of Harnett, McGehee, McLaughlin, Moore of Wake, Norfleet, Patterson, Phillips, Polk, Rush, Smith of Anson, Starbuck, Stephenson, Walkup, Warren, Winston, Wright—40.

Those who voted in the negative are :

Messrs. Adams, Alexander, Allen, Bagley, Baines, Barrow, Berry, Bingham, Dickey, Ellis, Faircloth, Forkner, Foy, Gahagan, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Hodge, Jarvis, Jones of Davidson, Jones of Henderson, Joyner, King, Logan, Love of Jackson, Lyon, McCauley, McDonald of Chatham, McDonald of Moore, McIvor, McRae, Moore of Chatham, Odom, Pearsall, Perkins, Person, Richardson, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Stewart, Swan, Ward, Willey, Williams, Wilson, Winburne—51.

Mr. Grissom moved to postpone the further consideration of the ordinance until to-morrow morning at 9½ o'clock.

The hour of 1:30 having arrived, the special order was called for.



Mr. Smith, of Johnston, moved to postpone the special order until the business under consideration shall be disposed of, and the question being put the vote stood—yeas 49, nays 34.

The Chair decided that it took two-thirds to postpone a special order.

From this decision Mr. Faircloth appealed, and the House decided against the decision of the Chair.

Mr. Grissom then withdrew his motion to postpone.

The question then recurred on the passage of the ordinance on the third reading, and it was decided in the affirmative—yeas 45, nays 40, the yeas and nays being ordered, on motion of Mr. Eaton.

Those who voted in the affirmative are:

Messrs. Adams, Allen, Bagley, Baines, Barrow, Berry, Bingham, Caldwell of Guilford, Ellis, Faircloth, Forkner, Gahagan, Garland, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jarvis, Jones of Davidson, Jones of Henderson, Joyner, King, Logan, Lyon, McCauley, McDonald of Chatham, McDonald of Moore, McRae, Moore of Chatham, Odom, Pearsall, Perkins, Person, Richardson, Sloan, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Stewart, Swan, Willey, Williams, Wilson, Winburne—45.

Those who voted in the negative are:

Messrs. Baker, Boyden, Brickell, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Clark, Conigland, Dickey, Donnell, Eaton, Ferebee, Furches, Gilliam, Howard, Jackson, Jones of Rowan, Lash, Manly, McCorkle, McKoy of Sampson, McKay of Harnett, McGehee, McIvor, McLaughlin, Moore of Wake, Norfleet, Patterson, Phillips, Polk, Rush, Smith of Anson, Spencer of Montgomery, Stephenson, Walkup, Warren, Winston, Wright—40.

The special order was then taken up, being (166) An Ordinance to authorize the exchange of State bonds for certain causes, and the same was read the second time.

Mr. Howard moved to postpone and make the ordinance the special order for to-morrow at 10 o'clock, a. m., and it was agreed to.



Then the hour of 2 having arrived, the Convention took a recess until 4 o'clock.

---

#### AFTERNOON SESSION, JUNE 21ST, 1866.

The Convention re-assembled at 4 o'clock.

The special order set for this hour was taken up, being (106) An Ordinance to grant a general amnesty, and was read the second time.

Mr. Gilliam offered, as a substitute, (226) An Ordinance concerning amnesty.

Mr. Smith, of Wilkes, moved to lay the whole subject on the table.

On which he asked the yeas and nays, and the same being ordered, resulted—yeas 51, nays 48.

Those who voted in the affirmative are:

Messrs. Adams, Baines, Baker, Boyden, Bradley, Bryan, Caldwell of Guilford, Dickey, Donnell, Ellis, Faircloth, Forkner, Furches, Gahagan, Garland, Godwin, Grissom, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Johnston, Jones of Davidson, Jones of Rowan, Joyner, King, Lash, Logan, Love of Jackson, McDonald of Moore, N. A. McLean, Nat. McLean, McLaughlin, Moore of Wake, Norfleet, Odom, Perkins, Richardson, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stewart, Stephenson, Swan, Williams, Wilson, Winston—51.

Those who voted in the negative are:

Messrs. Alexander, Allen, Bagley, Barrow, Berry, Bingham, Brickell, Burgin, Buxton, Bynum, Caldwell of Burke, Clark, Conigland, Cowper, Dick, Eaton, Ferebee, Foy, Gilliam, Harris of Guilford, Jackson, Jarvis, Jones of Henderson, Lyon, Manly, McCauley, McCorkle, McKoy of Sampson, McDonald of Chatham, McGehee, McIvor, McRae, Moore of Chatham, Murphy, Patterson, Pearsall, Person, Phillips, Polk, Rumley, Rush, Smith of Anson, Walkup, Ward, Warren, Willey, Winburne, Wright—48.

Mr. Moore, of Wake, by consent, introduced (245) An



Ordinance concerning the banks of the State, which passed the first reading.

- He then moved to suspend the rules and put the ordinance on its second reading.

The motion prevailed, and the ordinance was read the second time and passed the second reading.

Then, on motion, it was ordered to be printed.

Mr. Starbuck moved to take up (236) An Ordinance to amend the charter of the Salem Fire Engine Company and put it on the second and third readings.

The motion was agreed to; the ordinance was read the second and third times, passed, and ordered to be enrolled.

Then, on motion of Mr. Logan, the Convention adjourned to 9 o'clock to-morrow morning.

---

#### FRIDAY, JUNE 22ND, 1866.

The President called the Convention to order at 9 o'clock.

The journal of yesterday was read and approved.

Mr. Settle was called to the Chair by the President.

Mr. Wright, for the Finance Committee, reported (246) A Resolution to empower the Public Treasurer to employ a temporary Clerk, which passed the first reading.

He moved to suspend the rules and put the ordinance on its second and third readings at this time, and the motion did not prevail.

Mr. Warren moved to take up for consideration (177) An Ordinance to authorize Wm. B. Campbell, late Sheriff of Beaufort county, to collect arrears of taxes, and the motion prevailed.

The ordinance was read the second time.

Mr. Manly moved to amend by extending the provisions of the ordinance to A. C. Latham, late Sheriff of Craven, and the amendment was adopted.

Mr. Moore, of Chatham, moved to lay the ordinance on the table, and it was not agreed to.

The ordinance, as amended, then passed the second reading.



Mr. Warren moved to suspend the rules and put the ordinance on the third reading, and the motion prevailed.

The ordinance was then read third time.

Mr. Rumley moved to amend by extending its provisions to George Dill, late Sheriff of Carterett county, and the amendment was adopted.

Mr. Stewart moved to lay the ordinance on the table, and the motion did not prevail.

Mr. Barrow offered to amend by including Goodman Durden, late Sheriff of Washington county, and the amendment was agreed to.

Then, as amended, the ordinance passed the third reading, and was ordered to be enrolled.

The hour of 9½ having arrived, the special order was announced, being (166) An Ordinance to authorize the exchange of State bonds for certain causes.

Mr. McGehee moved to postpone the same and make it the special order for to-morrow 9½ o'clock, a. m., and it was so ordered.

Mr. Logan moved to take up and consider (243) An Ordinance to empower the Justices of the several counties to borrow money in certain cases, and for other purposes, and the motion prevailed.

The ordinance being read the second time,

The report of the Committee on the Governor's communication in regard to scarcity of provisions in certain counties, was read, recommending the adoption of this ordinance.

Mr. Odom moved to amend the preamble as follows:

"Strike out the word 'respectively.'"

Pending the consideration of this question,

Mr. Wilson moved to suspend its further consideration, and take up (136) the Constitution and amendments thereto, and put the same on its third reading, and the motion prevailed.

The Constitution was then read by articles and sections, and amended as follows:



## ARTICLE I. BILL OF RIGHTS.

Mr. Phillips moved to amend section 8 as follows :

"In line 2, after the word 'charge,' insert the words 'except as is hereinafter allowed.'"

Mr. Clark moved to lay the whole subject on the table.

On which he asked the yeas and nays, and the same being ordered, resulted—yeas 19, nays 80.

Those who voted in the affirmative are :

Messrs. Bagley, Barrow, Brickell, Clark, Conigland, Foy, Ferebee, Gilliam, Howard, Jarvis, Manly, McKoy of Sampson, N. A. McLean, Perkins, Person, Spencer of Hyde, Warren, Willey, Winburne—19.

Those who voted in the negative are :

Messrs. Adams, Alexander, Allen, Baines, Baker, Berry, Bingham, Boyden, Bradley, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Cowper, Dick, Dickey, Eaton, Ellis, Faircloth, Forkner, Furches, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Hodge, Jackson, Johnston, Jones of Davidson, Jones of Henderson, Joyce, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Pearsall, Phillips, Polk, Rumley, Rush, Settle, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stevenson, Stewart, Walkup, Ward, Williams, Wilson, Wright—80.

The question was then put on the adoption of Mr. Phillips' amendment, and it was adopted—yeas 66, nays 37, the yeas and nays being ordered, on motion of Mr. Eaton.

Those who voted in the affirmative are :

Messrs. Adams, Berry, Boyden, Bradley, Bryan, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Conigland, Dick, Dickey, Ellis, Forkner, Gahagan, Garland, Garrett, Godwin, Harris of Guilford, Harris of Rutherford, Harrison,



Haynes, Hodge, Howard, Jackson, Johnston, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, Manly, McCauley, McGehee, McIvor, Nat. McLean, McKae, McLaughlin, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Rumley, Rush, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Stephenson, Walkup, Williams, Winburne, Wright—66.

Those who voted in the negative are:

Messrs. Alexander, Allen, Bagley, Baines, Baker, Barrow, Bingham, Brickell, Bynum, Clark, Cowper, Eaton, Faircloth, Ferebee, Foy, Furches, Gilliam, Grissom, Henry, Jarvis, McCorkle, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McDonald of Moore, N. A. McLean, Polk, Richardson, Settle, Sloan, Starbuck, Stewart, Swan, Ward, Warren, Willey, Wilson—37.

Mr. Foy moved to amend section 9 by striking out all after the word "used," in line 3.

Mr. Manly moved to amend the clause proposed to be stricken out by so transposing the numbers as to make it read "the Legislature may, however, provide other modes of trial for misdemeanors, with the right of appeal;" and the amendment was adopted.

Mr. Starbuck moved to amend by adding:

"*Provided*, That in such other modes of trial no person shall be put to answer any criminal charge but upon a specification of the crime with which he stands charged."

And it was not adopted.

Mr. Moore, of Wake, moved to amend by inserting the word "misdemeanors;" and it was agreed to.

The question was then put on the motion of Mr. Foy to strike out, and decided in the negative.

Mr. Bingham moved to amend section 12 by striking out the words "destroyed or," and it was not agreed to.

Mr. Foy moved to strike out section 27, and it was not agreed to.



## ARTICLE II. LEGISLATIVE DEPARTMENT.

Mr. Phillips moved to insert "a" before "House of Commons," in line 3; and it was not agreed to.

Mr. Harris, of Guilford, moved an amendment in punctuation, in section 2; and it was not agreed to.

Mr. Love, of Jackson, moved to amend section 2 by striking out "fifty" and inserting "forty," in line 1; and the motion did not prevail.

Mr. Winburne moved to strike out section 2, and on this motion asked the yeas and nays, which were not ordered, whereupon he withdrew his motion.

Mr. Logan moved to amend section 6 by inserting before the word "population," in line 4, and before the same word in line 8, the word "white;" and the amendment was adopted.

Mr. Love, of Jackson, moved to strike out section 6, and the motion did not prevail—yeas 4, nays 98, the yeas and nays being ordered on his motion.

Those who voted in the affirmative are:

Messrs. Harris of Rutherford, Logan, Love of Jackson, Murphy—4.

Those who voted in the negative are:

Messrs. Adams, Alexander, Allen, Bagley, Baines, Baker, Barrow, Berry, Bingham, Boyden, Bradley, Brickell, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Clark, Conigland, Cowper, Dick, Dickey, Eaton, Ellis, Faircloth, Forkner, Ferebee, Foy, Furches, Gahagan, Garland, Garrett, Gilliam, Godwin, Grissom, Harris of Guilford, Harrison, Haynes, Henry, Hodge, Howard, Jackson, Jarvis, Johnston, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, King, Lash, Love of Chatham, Lyon, Manly, McCauley, McCorkle, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Polk, Richardson, Rumley, Rush, Settle, Sloan, Smith of



Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Swan, Walkup, Ward, Warren, Willey, Williams, Wilson, Winburne, Wright—98.

Mr. Logan moved to amend section 9 by striking out of line 3 the word "one," and inserting "five," and the amendment was not adopted.

Mr. Howard moved to amend the same section by inserting in line 7, after the word "fee," the words "of the value of five hundred dollars."

On which he asked the yeas and nays, and the same being ordered, resulted—yeas 40, nays 57.

Those who voted in the affirmative are:

Messrs. Alexander, Allen, Bagley, Baines, Baker, Barrow, Brickell, Bynum, Caldwell of Guilford, Clark, Conigland, Cowper, Ellis, Furches, Garrett, Harrison, Hodge, Howard, Johnston, Lash, Manly, McCauley, McKoy of Sampson, McDonald of Chatham, McRae, Murphy, Norfleet, Odom, Pearsall, Perkins, Polk, Rumley, Smith of Anson, Spencer of Hyde, Starbuck, Stewart, Walkup, Willey, Winburne, Wright—40.

Those who voted in the negative are:

Messrs. Adams, Berry, Bradley, Bryan, Burgin, Bynum, Caldwell of Burke, Dick, Dickey, Eaton, Forkner, Foy, Gahagan, Garland, Gilliam, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henry, Jackson, Jarvis, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, King, McCorkle, McKay of Harnett, McDonald of Moore, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, Moore of Chatham, Moore of Wake, Patterson, Person, Phillips, Richardson, Rush, Settle, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Stephenson, Ward, Warren, Williams, Wilson—57.

Mr. Walkup moved to insert in line 7, of the same section, after the word "represents," the words "or in the State;" and it was not adopted.

Mr. Ferebee moved to amend the same section by inserting



after the word "age," in line 2, the words "shall have been a resident of the State five years."

Mr. Logan moved to amend the amendment by prefixing thereto the words "shall be a citizen of the United States and."

Mr. Ferebee then modified his amendment by offering it to come in after the word "be," in line 1, and as thus modified it was adopted, and the amendment to the amendment was withdrawn.

Mr. Moore, of Wake, moved to insert the word "shall" after the word "and" in line 6 of the same section, and it was agreed to.

He then moved to punctuate with a semicolon after the word "fee," at the end of line 7, and it was agreed to.

Mr. Ward moved to amend the same section as follows:

"Strike out all after the word 'and,' in line 4, to the word 'possess,' in line 5, and insert the words 'shall at the time of said election.'"

And it was not adopted.

Mr. Polk moved to amend section 8 by inserting after the word "age," in line 2, the words "shall have resided in the State five years;" and the amendment was adopted.

Mr. Joyce moved to strike out all after the word "election," in line 4 of section 8.

Mr. Moore, of Wake, moved to amend the clause proposed to be stricken out by inserting the word "shall" before the word "continue," in line 5; and it was agreed to.

He then moved to insert, after the word "land," in line 6, the words "in fee, or for his own life," and punctuate with a semicolon after "life;" and the amendment was rejected—yeas 31, nays 48.

Mr. Warren moved to amend the same clause by striking out "a freehold" from line 7, and inserting "a freehold of" after the word "represents" in line 6; and the amendment was adopted.

The question then recurred on the motion of Mr. Joyce to strike out, and it was decided in the negative—yeas 46, nays 54; the yeas and nays being ordered, on motion of Mr. Sloan.



Those who voted in the affirmative are:

Messrs. Adams, Baker, Bingham, Bradley, Bryan, Bynum, Clark, Dick, Dickey, Ellis, Forkner, Foy, Gahagan, Garland, Garrett, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Howard, Jackson, Jarvis, Johnston, Jones of Davidson, Jones of Henderson, Joyce, Logan, Love of Jackson, Lyon, McCauley, McCorkle, McDonald of Chatham, McLaughlin, Norfleet, Person, Richardson, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Stephenson, Stewart, Swan, Ward, Williams—46.

Those who voted in the negative are:

Messrs. Alexander, Allen, Bagley, Baines, Barrow, Berry, Boyden, Brickell, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Conigland, Cowper, Eaton, Faircloth, Ferebee, Gilliam, Godwin, Hodge, Joyner, King, Lash, Love of Chatham, Manly, McKoy of Sampson, McKay of Harnett, McDonald of Moore, McGehee, McIvor, N. A. McLean, Nat. McLean, McRae, Moore of Chatham, Moore of Wake, Murphy, Odom, Patterson, Pearsall, Perkins, Phillips, Polk, Rumley, Rush, Smith of Anson, Spence of Hyde, Spencer of Montgomery, Starbuck, Walkup, Warren, Willey, Wilson, Wright, Winburne—54.

Mr. Caldwell, of Burke, offered an amendment, in the form of a separate section, to come in after section 8, but withdrew it, and gave notice that he would offer it as an amendment to article 5.

Mr. Moore, of Wake, moved to amend section 9 by striking out of lines 1 and 2 the words "being a citizen of the United States;" and it was agreed to.

He also moved to strike the same words out of lines 1 and 2 of section ten, and the motion prevailed.

Mr. Barrow moved to strike section 11 out of this article, and insert it in article 5; and the motion prevailed.

Mr. Ferebee moved to amend section 18 by transposing so as to make it read, in lines 1, 2 and 3, "the General Assembly of North-Carolina do enact as follows;" and the amendment was agreed to.



Mr. Phillips moved to amend the same section by striking out of line 1 the words "and laws;" and it was agreed to.

Mr. Manly moved to substitute "do" for "does" in the same section as amended, and the motion did not prevail.

Mr. Grissom moved to amend section 19 so as to require bills and resolutions having the force of laws to be read on three different days, and it was not agreed to.

Mr. Howard moved to amend the same section by striking out of line 3 the word "Speakers," and inserting the words "presiding officers;" and the amendment was adopted.

Mr. Grissom moved to strike out section 20; but after some discussion, by consent, withdrew the motion.

Mr. Phillips moved to transpose the words of the section so that the words "to the best of his knowledge and belief" shall come in after the word "is;" and it was agreed to.

He also moved to amend by striking out of line 3 the word "constitutionally," and inserting after the word "qualified" the words "according to the Constitution of the State;" and the motion prevailed.

Mr. Bingham then renewed the motion of Mr. Grissom to strike out the 20th section; and it was decided in the negative.

Mr. Logan moved to amend section 24 by striking out all after the word "days," in line 8, and it was not agreed to.

Mr. Ellis moved to amend the section by striking out all between the word "and" in line 8, and the same word in line 10, and the chair ruled the amendment out of order, the Convention having just refused to strike out that part of the section.

Mr. Buxton moved to amend by inserting after the word "counties," in line 5, the words "cities or towns;" and the motion prevailed.

Mr. McRae moved to amend section 31 as follows:

"After the word 'Treasurer,' in line 3, insert 'and Councilors of State,' and strike out the word 'and,' as it stands in the printed copy."

And the amendment was adopted.



## ARTICLE III. EXECUTIVE DEPARTMENT.

Mr. Person moved to strike out of lines 1 and 2, section 1, the words "Lieutenant-Governor."

On this motion he asked the yeas and nays, and they were not ordered.

The question was put on striking out, and decided in the negative.

Mr. Moore, of Wake, moved to amend section 2 by striking out of line 2 and 3 the words "shall be a native citizen of the United States or," and the amendment was adopted.

Mr. Logan moved to amend as follows:

"After the word 'and,' in line 6, insert the words 'for the same time.'"

And it was not adopted.

He also moved to amend the same section by inserting after the word "therein" the words "five hundred acres of land in fee simple;" and the amendment was not agreed to.

Mr. Howard moved an amendment to section 3 as follows:

"In line 5, after the word 'as' insert the words 'Lieutenant-Governor or.'"

Pending the question on this amendment,

Mr. Dick moved to postpone the further consideration of the Constitution until 4:30 p. m., and the motion was agreed to.

The hour having arrived, the Convention took a recess until 4 o'clock.

---

AFTERNOON SESSION, JUNE 22ND, 1866.

The Convention re-assembled at 4 o'clock.

The committee on enrollments reported the following as correctly enrolled, and the same were ratified in open Convention:

The Ordinance extending the time for the settlement of the public taxes of the Sheriffs and Tax Collectors of this State, and



An Ordinance to divorce Jane F. Havens and Thomas J. Havens.

Mr. Moore, of Wake, moved to take up (245) An Ordinance concerning the bonds of the State, and put it on the third reading; and the motion prevailed.

The ordinance was read the third time.

Mr. Manly moved to amend as follows:

"In line 5, strike out the words 'not less than one-third,' and insert 'a certain definite proportion;'" and the amendment was adopted.

Mr. Moore, of Wake, moved to amend by striking out the proviso and inserting the following:

"And the said banks may convert into national currency or stocks so much of their specie as they shall deem advisable: *Provided, however,* That the funds which may be thus substituted for specie, shall not be used otherwise than the specie itself could be used under their charters, and the assignments made under the late act enabling the banks of the State to close their business."

And the amendment was adopted.

On the question of the final passage of the ordinance, Mr. Jones, of Davidson, asked the yeas and nays, and they were not ordered.

The ordinance then passed the third reading—yeas 47, nays 26, and was ordered to be enrolled.

Mr. Love, of Jackson, moved that the Ordinance (172) of the calendar be made the special order for to-morrow 10 o'clock, a. m., and the motion did not prevail.

Mr. Furches asked and obtained leave to record his vote in the affirmative on the motion of Mr. Joyce this morning, to strike out the property qualification for members of the House of Commons.

The hour of 4:30 having arrived, the Convention resumed the consideration of the Constitution, the question being on the motion of Mr. Howard to section 3, article 3, and the amendment was adopted.

Mr. Moore, of Wake, moved to amend the same section by



striking out all after the word "years," in the 5th line, and the motion was not adopted—yeas 32, nays 35.

Mr. McRae moved to amend section 6 as follows:

"After the word 'Court,' in line 5, insert 'or Judge of the Surperior Courts.'"

And it was not agreed to.

Mr. Moore, of Wake, moved to change "oath" to "oaths," in line 3; and the motion prevailed.

Mr. Boyden moved to amend section 7 as follows:

"In line 21 substitute 'his' for 'their;' in line 3 'he is' for 'they are,' and in line 4 'he has been' for 'they have been severally,' and in same line 'office' for 'offices.'"

And the amendments were adopted.

Mr. Howard moved to amend section 20, of article 2, as follows:

"Strike out 'constitutionally qualified,' and insert 'qualified under the Constitution.'"

And it was adopted.

Mr. Howard then proposed, in section 9, article 3, to place a comma for the semicolon after the word "Assembly" in line 6, and a semicolon for the comma after the word "direct," in line 7; and it was agreed to.

Mr. McCorkle moved to amend the same section as follows:

"Add at the end of the section the words 'and shall have power to convene the General Assembly in extra session at any time when in his opinion the exigencies of the State may require it.'"

Mr. N. A. McLean moved to amend the amendment by inserting, after the word "power," the words "by and with the advice of the Council of State;" and the amendment was accepted by Mr. McCorkle; and as thus amended the amendment was adopted.

[Mr. Winston asked and obtained leave to record his vote in the negative, on the motion of Mr. Joyce this morning to strike out the property qualification for members of the House of Commons.]

Mr. Howard moved to amend section 9 of the Constitution,



article 3, by inserting after the word "which," in line 7, the word "latter;" and it was adopted.

Mr. Wright moved to amend section 11 as follows:

"After the words 'House of Commons,' in line 6, strike out all and insert 'and for such time as there shall be no Speakers in fact, the persons last acting as such shall be deemed Speakers for the purpose aforesaid.'"

And the amendment was adopted.

Mr. McRae moved to amend section 12 by adding the words "or Judge of the Superior Courts;" and the amendment was not agreed to.

Mr. Moore, of Wake, moved to strike out section 15.

Mr. Buxton moved to amend the section proposed to be stricken out as follows:

"Strike out all after the word 'and,' in line 2, and insert 'shall receive for his services the same compensation which shall be allowed the Speaker of the House of Commons, and no more; and during the time he administers the government as Governor, shall receive the same compensation which the Governor would have received, and no more.'"

Mr. Howard offered a substitute for the amendment of Mr. Buxton as follows:

"The Lieutenant-Governor shall, as presiding officer of the Senate, receive the same compensation as shall be allowed the Speaker of the House of Commons, and shall receive no other pay while acting as Lieutenant-Governor."

After some discussion of the amendment, Mr. Howard withdrew it; whereupon

Mr. Boyden offered the following:

"Strike out the entire section and insert 'the Lieutenant-Governor, while presiding in the Senate, shall receive the same pay as the Speaker of the House of Commons, and he shall receive no other compensation except when he is acting as Governor.'"

This amendment was accepted by Mr. Buxton in lieu of his own, and the question being put thereon, it was adopted.

Mr. Joyner moved the following:



“ At the end of section 15 add the ‘ Lieutenant-Governor shall be, *ex officio*, a member of the Council of the State.’ ”

And it was not agreed to.

Mr. Boyden moved to strike out the word “ them,” at the end of section 15, and insert “ either House;” and it was adopted.

#### ARTICLE IV. JUDICIARY DEPARTMENT.

Mr. Boyden moved to strike out in line 2 the word “ two,” and insert “ four.”

Mr. Howard moved to divide the question and take the vote first on striking out.

The motion prevailed, and the question being put, the Convention refused to strike out.

Mr. Phillips moved to insert in line 3, section 4, after the word “ Supreme,” the word “ Courts;” and the motion prevailed.

Mr. Howard moved to amend the same section by changing the phraseology in line 1 and 2 so as to read “ Justices of the Supreme Court and the Judges of the Superior Courts;” and the amendment was adopted.

Mr. Foy moved to amend section 5 as follows:

“ Add at the end of the section ‘ *Provided*, That two-thirds of all the members of each House of the General Assembly may abolish or suspend the County, Superior and Supreme Courts of this State, at any time, and for a term of years, not to exceed three years.’ ”

And the amendment was not adopted.

Mr. Howard moved to amend the article by striking out section 7.

On this motion Mr. Wilson asked the yeas and nays, and the same being ordered, resulted—yeas 4, nays 91.

Those who voted in the affirmative are:

Messrs. Allen, Howard, Joyner, Person—4.

Those who voted in the negative are:

Messrs. Adams, Alexander, Bagley, Baines, Baker, Barrow, Berry, Bingham, Boyden, Bradley, Brickell, Bryan, Burgin,



Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Conigland, Cowper, Dick, Dickey, Eaton, Ellis, Faircloth, Forkner, Ferebee, Foy, Furches, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Johnston, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, King, Lash, Logan, Love of Chatham, Love of Jackson, Lyon, Manly, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McGehee, McIvor, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Perkins, Polk, Rumley, Rush, Settle, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stevenson, Stewart, Swan, Walkup, Ward, Warren, Willey, Williams, Wilson, Winburne, Winston, Wright—91.

Mr. Person then moved to strike out section 8, and the motion did not prevail.

Mr. Phillips moved to strike out of section 9, line 3, the words "persons accused of," and it was agreed to.

Mr. Bynum moved to insert the word "petit" before the word "misdemeanors," in line 3 of the same section, and the motion prevailed.

Mr. Moore, of Wake, offered the following to come in as a separate section, after section 2:

"The General Assembly, at its first session after the office of Attorney General shall become vacant, and from time to time thereafter, shall appoint an Attorney General, who shall be commissioned by the Governor, and shall hold his office for the term of four years, but if the General Assembly should hereafter extend the term, during which Solicitors of the State should hold their offices, then they shall have power to extend the term of office of the Attorney General to the same period."

And it was adopted.

Mr. Logan offered the following as a separate section to come in after the section just adopted.



"The General Assembly be required to establish a regular system of Courts throughout the State."

And it was not adopted.

Mr. Moore, of Wake, moved to adjourn, and it was not agreed to.

Mr. Howard offered the following as a substitute for section 10:

"The Justices of the Peace in the respective Counties of the State shall hereafter be elected by the qualified voters for members of the General Assembly for a term not less than eight years, and there shall be not more than two Justices for each thousand persons, and three additional for each county seat."

Mr. Dick moved to amend the section proposed to be stricken out as follows:

"In line 13, after the word 'people,' insert the words 'in each Captain's district,'" and in line 4, strike out the word 'Captain's.'"

Mr. N. A. McLean offered the following as a substitute for the section:

"The General Assembly, in its discretion, may order the election of Justices of the Peace, by the people, in the respective counties in this State, for such term and in such manner as it may deem proper."

The Chair ruled that this amendment is not in order at this time.

Mr. Grissom moved to suspend the further consideration of section 10 and 11 until to-morrow morning 10 o'clock, and it was not agreed to.

Mr. Bynum moved to adjourn, and the motion did not prevail.

Mr. Logan moved to amend the amendment of Mr. Dick by striking out the word "people," and inserting the words "qualified voters of the House of Commons."

The amendment was accepted, and as thus modified, the amendment of Mr. Dick was adopted—yeas 45, nays 34.

Mr. McRae moved to amend the original section, line 6, by striking out "four" and inserting "five."



Mr. Jones, of Rowan, moved to amend this amendment by inserting six, instead of five, and it was not agreed to.

The amendment of Mr. McRae was then adopted.

Mr. Wright moved to amend further by adding to the amendment just adopted, the words "*Provided*, That in the cities and incorporated towns there may be one additional Justice for every five hundred inhabitants, over and beyond five hundred, and it was adopted."

Mr. Clark moved that the Convention adjourn to 9 o'clock to-morrow morning, and it was not agreed to—yeas 37, nays 45.

The question was then on the substitute proposed by Mr. Howard.

Mr. King moved to amend the same by striking out "two" and inserting "three" as the number of Justices for each thousand persons, and it was not agreed to—yeas 38, nays 45.

Mr. Moore, of Wake, offered the following as an amendment (in the nature of a substitute) for that proposed by Mr. Howard:

"SEC. 7. There shall be Justices of the Peace for each county within the State, who shall be recommended to the Governor by the General Assembly, and by him commissioned. They shall hold their offices during good behavior, but if any such Justice shall remove from the county for which he is appointed, or for any cause be absent therefrom for twelve months, his office shall be deemed vacant.

"SEC. 8. There may be in each county so many as, but not more than, three Justices of the Peace for every thousand inhabitants, to be determined by the next preceding census taken by the State or the United States.

"SEC. 9. In case of any vacancy in the office of Justice of the Peace, during the recess of the General Assembly, the County Court, and a majority of the Justices being present, may recommend some person to the Governor to fill it. And he shall be commissioned, and may be qualified, as now provided, or before the Clerk of the said Court. And if the vacancy be not thus filled, it may be done by recommendation of the General Assembly.



"SEC. 10. The next General Assembly, at its first session, shall recommend, for each county, so many Justices, not exceeding the number allowed, who shall be qualified at the first term of the County Court thereafter held; and at the expiration of the said term the Justices of the Peace now commissioned shall cease to hold office, and in case any Justice so recommended shall fail to qualify, then or at the next County Court, or, in the mean while, before the Clerk of said Court, he shall not therefore be qualified, but there shall be deemed a vacancy to be filled as provided in section nine of this article."

Mr. Winston moved to adjourn, and the motion did not prevail.

Mr. Phillips raised a question of order, that the amendment of Mr. Moore, being a substitute for a substitute, could not be entertained at this time.

The Chair decided that a substitute was but an amendment and that as an amendment to an amendment it was in order.

The question being put on Mr. Moore's amendment, he asked the yeas and nays, and the same were ordered.

Before the vote was recorded,

Mr. Jones, of Rowan, moved to adjourn, and the motion prevailed—yeas 46, nays 45.

The Convention then adjourned to 9 o'clock to-morrow morning.

---

#### SATURDAY, JUNE 23RD, 1866.

The Convention was called to order at 9 o'clock. Mr. Warren in the Chair.

The journal of yesterday was read and approved.

The Committee on enrollments reported as correctly enrolled the following, and the same were duly ratified:

An Ordinance to change the jurisdiction of the Courts and the rules of pleading therein.

An Ordinance to authorize sundry Sheriffs to collect arrears of taxes.



An Ordinance to amend an act of the General Assembly passed at its session of 1842-'43, entitled "An Act to authorize the formation of a Fire Engine Company in the town of Salem, North-Carolina."

An Ordinance to incorporate the Wilmington Railway Bridge Company.

Mr. Grissom, by consent, introduced the following:

*"Resolved,* That upon motion made and seconded by a majority of this Convention, all discussion upon any pending question shall cease and no new amendment to the same shall be entertained, and that this motion shall be in order at any time."

He moved to suspend the rules and consider the resolution at this time.

The motion did not prevail, and it lies over under the rules.

The hour of 9:30 having arrived, the special order (166) An Ordinance to authorize the exchange of State bonds for certain causes, was called for.

Mr. Wright moved to suspend the special order temporarily to allow him to introduce a resolution, and the motion prevailed—yeas 49, nays 13.

He then introduced the following, which was adopted, under a suspension of rules, and ordered to be enrolled:

*"Resolved,* That the Public Treasurer pay to Theo. N. Ramsay the sum of seventy-five dollars for services rendered, as Clerk to the Secretary of State, under an act of the General Assembly authorizing him to employ a Clerk."

The special order (166) was then taken up and read the second time.

Mr. McGehee moved to amend as follows:

"Strike out of the proviso the words 'at the date of issue borne on the face of the bonds,' and insert 'at the date of the actual issue of the bonds.'"

And it was adopted.

Mr. Bynum moved to lay the ordinance on the table, and the motion prevailed.



Mr. Smith, of Johnston, moved to take up (148) a Resolution to pay the Commissioners appointed to report a code for Freedmen; and the motion prevailed.

The resolution being read,

Mr. Wright moved to amend by adding an allowance of \$125 to George B. Moore, Clerk of the Commission, and it was not adopted.

The resolution then passed and was ordered to be enrolled.

Mr. Caldwell, of Burke, moved to take up (237) An Ordinance to authorize the President of the Western North-Carolina Railroad to borrow money; and it was not agreed to.

Mr. Howard then moved to take up and continue the third reading of the Constitution; and the motion prevailed.

The question was, according to the decision of the Chair on yesterday, on the substitute proposed by Mr. Moore, of Wake, for section 10.

The Chair reversed the decision and stated the question to be on the substitute offered by Mr. Howard.

Mr. McKay, of Harnett, offered the following, which was accepted by Mr. Howard in lieu of his own:

"Justices of the Peace shall be elected by the qualified voters for members of the General Assembly, and shall hold their office for six years. The number shall not exceed two for every thousand of the population according to the census next preceding the election, but the General Assembly may allow them additional Justices for each county seat and incorporated town. The General Assembly shall provide for districting the several counties, and the Justices shall reside in their respective districts, and there shall be a separate election for each district. The next General Assembly shall enact the necessary laws to carry into effect the provisions of this clause, and at the first County Court after the election, the term of office of the present Justices shall expire. The General Assembly may provide for the election of Justices to fill vacancies."

Mr. Moore, of Wake, moved to amend as follows:

"After the word 'town,' insert '*Provided, Said incorpor-*



ated town, being other than that in which the county seat is located, shall contain three hundred inhabitants."

And it was adopted.

Mr. Bynum moved to strike out "six years," and insert "during good behavior;" and it did not prevail.

Mr. Patterson moved to amend section 10 by striking out "two," and inserting "three," and it was not adopted—yeas 31, nays 33.

The question recurred on striking out section 10 and inserting the substitute of Mr. McKay, of Harnett, as modified.

Mr. Howard moved a division of the question.

The motion prevailed, and the question was put on striking out, and decided in the affirmative—yeas 82, nays 13, the yeas and nays being ordered, on motion of Mr. Sloan.

Those who voted in the affirmative are:

Messrs. Adams, Allen, Barrow, Berry, Bingham, Boyden, Bradley, Brickell, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Conigland, Dick, Dickey, Eaton, Faircloth, Forkner, Ferebee, Furches, Gahagan, Garland, Garrett, Gilliam, Godwin, Grissom, Henry, Howard, Jackson, Jarvis, Johnston, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Joyner, Lash, Love of Chatham, Love of Jackson, Lyon, Manly, McCauley, McCleese, McCorkle, McKoy of Sampson, McKay of Harnett, McDonald of Chatham, McGehee, McIvor, N.A. McLean, Nat. McLean, McLaughlin, McRae, Mebane, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Phillips, Polk, Rush, Settle, Sloan, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Walkup, Ward, Warren, Williams, Wilson, Winburne, Winston, Wright—82.

Those who voted in the negative are:

Messrs. Alexander, Baker, Ellis, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, King, Logan, McDonald of Moore, Smith of Johnston, Stewart, Swan—13.

Mr. Wilson offered the following to section 10:

' *Provided*, That for such counties as fail to make elections as aforesaid, the members of the General Assembly may



recommend, and the Governor commission, suitable persons as Justices of the Peace, not however, exceeding the number above fixed."

And it was not adopted.

Mr. King offered an amendment as follows :

"That the Justices of the Peace within the respective counties of this State shall, in future, be recommended to the Governor for the time being by the representatives in General Assembly, and the Governor shall commission them accordingly ; and the Justices, when so commissioned, shall hold their offices during good behavior, and shall not be removed from office by the General Assembly, unless for misbehavior, absence or inability."

And it was not adopted.

Mr. Baker moved to strike out of the substitute "six years," and insert "four years," and it was not agreed to.

The question recurred on inserting the substitute, and it was decided in the affirmative.

Mr. Howard moved to strike out section 11, and the motion prevailed.

Mr. Starbuck moved the following as section 11 :

"No person shall be eligible to the office of Justice of the Peace, who at the time of his election is not the owner of taxable property of the value of three hundred dollars."

And it was not adopted.

Mr. Moore, of Wake, moved to amend article 4, section 1, line 5, by inserting the words "and laws" before the word "may," and it was adopted—yeas 50, nays 14.

He then offered as a separate section to come in after section 6 :

"The Lieutenant-Governor shall possess the same qualifications for office, as are required of the Governor, and shall hold his office for the like time," and it was adopted.

Mr. Love of Jackson offered the following :

"In article 4, section 4, in lines 1 and 2, after the word 'Court,' strike out the words 'and Superior Courts of law and Courts of Equity,' and in line 3, after the word 'behavior,' and before the word 'and,' insert the words 'and Judges of



the Superior Courts of Law and Courts of Equity, shall hold their offices for the term of eight years.' ”

And it was not adopted.

Mr. Ward moved to amend section 1, article 5, as follows:

“Strike out the first ‘and’ in line 2, and insert the word ‘or,’ and it was adopted.

Mr. Caldwell, of Burke, introduced the following as a separate section, to come in after section 1:

“No member of the Senate or House of Commons shall be eligible to any office within the gift of the General Assembly, during the term for which he may be elected.”

On which he asked the yeas and nays, and the same being ordered—resulted in the affirmative, yeas 64, nays 28.

Those who voted in the affirmative are:

Messrs. Alexander, Allen, Baines, Baker, Barrow, Bingham, Boyden, Bradley, Brickell, Bryan, Burgin, Caldwell of Burke, Caldwell of Guilford, Conigland, Dick, Dickey, Forkner, Ferebee, Gahagan, Garland, Garrett, Godwin, Harris of Rutherford, Harrison, Haynes, Hodge, Jackson, Johnston, Jones of Henderson, Jones of Rowan, Joyce, King, Lash, Logan, McCorkle, McKoy of Sampson, McDonald of Chatham, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Murphy, Norfleet, Patterson, Pearsall, Perkins, Person, Phillips, Rush, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Montgomery, Starbuck, Stephenson, Stewart, Walkup, Ward, Williams, Wilson, Winburne, Wright—64.

Those who voted in the negative are:

Messrs. Adams, Bagley, Berry, Buxton, Bynum, Eaton, Faircloth, Gilliam, Grissom, Harris of Guilford, Henry, Howard, Jarvis, Jones of Davidson, Joyner, Love of Jackson, Lyon, Manly, McCauley, McKay of Harnett, McDonald of Moore, Moore of Wake, Odom, Settle, Spencer of Hyde, Swan, Warren, Winston—28.

Mr. Caldwell, of Burke, moved to strike out of section 3 all of the word “State,” in line 3.

On which he asked the yeas and nays, and the same being ordered, resulted in the negative—yeas 20, nays 63.



Those who voted in the affirmative are :

Messrs. Adams, Alexander, Allen, Baker, Bryan, Burgin, Buxton, Caldwell of Burke, Faircloth, Forkner, Gahagan, Jones of Henderson, Joyce, Joyner, Lash, McDonald of Moore, McRae, Starbuck, Stewart, Ward, Wright—20.

Those who voted in the negative are :

Messrs. Bagley, Baines, Barrow, Berry, Bingham, Boyden, Brickell, Bynum, Caldwell of Guilford, Conigland, Dick, Dickey, Eaton, Furches, Garrett, Gilliam, Godwin, Grissom, Harris of Rutherford, Haynes, Hodge, Howard, Jarvis, Johnston, Jones of Davidson, Jones of Rowan, King, Logan, Love of Jackson, Lyon, Manly, McCauley, McKoy of Sampson, McDonald of Chatham, McGehee, N. A. McLean, Nat McLean, McLaughlin, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Patterson, Pearsall, Perkins, Person, Phillips, Polk, Rush, Settle, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Stephenson, Swan, Walkup, Warren, Williams, Wilson, Winburne, Winston—63.

He then moved to strike out "no" in line 1 of the same section and insert the word "every."

On this question Mr. Stewart asked the yeas and nays, and the same being ordered, resulted in the negative—yeas 14, nays 67.

Those who voted in the affirmative are :

Messrs. Bryan, Burgin, Caldwell of Burke, Dick, Gahagan, Grissom, Harris of Rutherford, Henry, Jones of Henderson, Joyner, McDonald of Chatham, McDonald of Moore, Pearsall, Stewart—14.

Those who voted in the negative are :

Messrs. Adams, Alexander, Allen, Bagley, Baines, Baker, Barrow, Bingham, Boyden, Bradley, Buxton, Caldwell of Guilford, Conigland, Eaton, Faircloth, Forkner, Ferebee, Furches, Garrett, Godwin, Harrison, Haynes, Hodge, Howard, Jackson, Johnston, Jones of Davidson, Jones of Rowan, Joyce, King, Logan, Love of Jackson, Lyon, Manly, McCauley, McKay of Harnett, McGehee, McIvor, N. A. McLean, Nat. McLean, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Perkins, Person, Phillips,



Polk, Rush, Settle, Smith of Anson, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Swan, Walkup, Ward, Warren, Wilson, Winburne, Winston, Wright—67.

Mr. Bynum offered the following amendment :

“ *Provided*, That this section shall only apply to such clergymen and preachers as have publicly advocated the doctrine of secession.”

And it was not adopted.

Mr. Joyce offered the following :

“ No officiating minister of the gospel shall be eligible to a seat in the General Assembly or Council of State ;” as a substitute for the section under consideration.

Mr. Howard asked a division of the question.

The motion was agreed to, and the question being put on striking out,

On this question Mr. Stewart asked the yeas and nays, and resulted—yeas 16, nays 65.

Those who voted in the affirmative are :

Messrs. Bradley, Bryan, Caldwell of Burke, Dick, Dickey, Grissom, Harris of Rutherford, Haynes, Jones of Henderson, Joyce, McDonald of Chatham, McDonald of Moore, Pearsall, Stewart, Walkup, Ward—16.

Those who voted in the negative are :

Messrs. Adams, Alexander, Allen, Bagley, Baines, Baker, Barrow, Bingham, Boyden, Burgin, Buxton, Bynum, Caldwell of Guilford, Conigland, Eaton, Ellis, Faircloth, Forkner, Ferebee, Furches, Gahagan, Garrett, Godwin, Harrison, Henry, Hodge, Howard, Jackson, Johnston, Jones of Davidson, Jones of Rowan, King, Logan, Love of Jackson, Lyon, Manly, McKoy of Sampson, McKay of Harnett, McGehee, McIvor, N. A. McLean, McLaughlin, McRae, Moore of Chatham, Moore of Wake, Murphy, Norfleet, Odom, Perkins, Person, Phillips, Polk, Rush, Settle, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Swan, Warren, Wilson, Winburne, Winston, Wright—65.



Mr. Barrow offered the following as a separate section to come in after section 4 :

"No Justice of the Peace shall be capable of receiving any appointment of office of profit, not judicial, which by law may be filled by the Justices or by the County Court of any County."

And it was not adopted.

Mr. Moore, of Wake, moved to amend as follows :

"In section 5, line 1, strike out 'Judge' and insert 'Justice;' after 'or' in same line insert 'Judge,' and in line 5, before 'Judge' insert 'Justice or;'" and it was agreed to.

Mr. McKoy, of Sampson, offered the following as a separate section to article 5, to come in after section 5 :

"The Judges of the Supreme and Superior Courts of Law and Equity, shall not be eligible, during their continuance in office, to any other office within the gift of the State."

And it was not adopted.

Mr. Caldwell, of Guilford, moved to strike out section 7.

Mr. Howard moved to amend the amendment by striking out the words "or deemed eligible to such office or place."

This amendment was accepted by Mr. Caldwell, of Guilford, in lieu of his own, and the question being put thereon, it was not adopted.

Mr. Moore, of Wake, moved to amend section 8 by inserting after the word "person," in line 4, the words "and a citizen of the United States;" and it was agreed to.

He then offered the following as section 9 :

"No person shall be deemed a white person who may have one-sixteenth or more of negro blood."

Mr. Walkup moved to amend the proposed section by striking out "sixteenth" and inserting "eighth;" and it was not adopted.

Mr. Phillips offered as a substitute for the proposed section the following :

"The term white person, as used in this Constitution, shall include all who have less than one-sixteenth of negro blood."

And it was adopted.

Mr. Boyden moved to amend article 6, section 1, by substi-



tuting "Justice" for "Judge," in the first line, and the motion prevailed.

Mr. Moore, of Wake, offered to amend section 7 by adding thereto the words "and every person adjudged guilty of manslaughter and discharged, shall be deemed to be pardoned;" and it was adopted.

Mr. Jones, of Rowan, proposed the following:

"In article 7, section 4, lines 1 and 2, strike out the words 'where there is a strong presumption of,' and insert 'who has not been previously convicted of.'"

And it was not adopted.

Mr. Manly moved to amend article 7, section 9, as follows:

"Strike out all after the word 'State,' in line 2, and insert 'before entering on its duties, shall take an oath faithfully to discharge the same, and also an oath to the State, as prescribed by law.'"

The hour of recess having nearly arrived,

Mr. Howard moved to extend the time for recess until the third reading of the Constitution be completed, and the motion prevailed.

Mr. Grissom then moved to amend the amendment of Mr. Manly by adding thereto the words "no other," and the amendment was not agreed to.

The question then recurred on the amendment of Mr. Manly.

On which he asked the yeas and nays, which being ordered, resulted—yeas 16, nays 62.

Those who voted in the affirmative are:

Messrs. Bagley, Berry, Conigland, Ferebee, Howard, Joyner, Love of Jackson, Manly, McCorkle, McKoy of Sampson, McDonald of Chatham, Person, Smith of Johnston, Spencer of Hyde, Winburne, Wright—16.

Those who voted in the negative are:

Messrs. Adams, Alexander, Allen, Baines, Baker, Barrow, Bingham, Boyden, Bradley, Brickell, Bryan, Burgin, Buxton, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Faircloth, Forkner, Furches, Gahagan, Garland, Garrett, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Johnston, Jones



of Henderson, Jones of Rowan, Joyce, King, Lyon, McKay of Harnett, McDonald of Moore, McIvor, Nat. McLean, McLaughlin, Moore of Wake, Norfleet, Odom, Patterson, Phillips, Polk, Rush, Settle, Sloan, Smith of Anson, Smith of Wilkes, Starbuck, Stephenson, Stewart, Walkup, Ward, Warren, Williams—62.

Mr. Forkner introduced the following as a separate section:

"The General Assembly shall provide by law for the exemption from sale under execution or other process for debts contracted after the first day of January, one thousand eight hundred and sixty-seven, a homestead in land in favor of every head of a family, who may be the owner thereof, except for taxes."

Mr. Smith, of Johnston, moved to amend by adding, after the word "land," the words "of not more than one hundred acres," and it was not adopted.

The question recurred on the proposition of Mr. Forkner, and decided in the affirmative—yeas 45, nays 35, the yeas and nays being ordered, on motion of Mr. Forkner.

Those who voted in the affirmative are:

Messrs. Adams, Alexander, Baker, Berry, Bradley, Brickell, Bryan, Caldwell of Burke, Conigland, Dick, Dickey, Ellis, Forkner, Ferebee, Gahagan, Garland, Garrett, Grissom, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Jones of Henderson, Joyce, Joyner, King, Love of Jackson, Lyon, McKoy of Sampson, McDonald of Chatham, McRae, Phillips, Richardson, Rush, Settle, Sloan, Smith of Johnston, Smith of Wilkes, Starbuck, Stewart, Ward, Williams—45.

Those who voted in the negative are:

Messrs. Allen, Bagley, Baines, Barrow, Bingham, Boyden, Burgin, Buxton, Caldwell of Guilford, Eaton, Faircloth, Furches, Gilliam, Godwin, Howard, Jarvis, Jones of Rowan, McCorkle, McDonald of Moore, McGehee, McIvor, Nat. McLean, McLaughlin, Moore of Wake, Norfleet, Odom, Patterson, Person, Smith of Anson, Spencer of Hyde, Stephenson, Walkup, Warren, Winburne, Wright—35.



Mr. Starbuck offered the following as an amendment to article 8, to come in at the end :

“Nor unless such amendment shall be submitted to and ratified by the majority of the qualified voters at the polls.”

And it was not agreed to.

And here ended the consideration of the Constitution and amendments thereto, and the question recurred on its final passage.

Mr. Phillips moved that the vote upon this question be postponed, in order to allow him to make a motion intimated by him, and the motion prevailed.

He then moved to reconsider the vote by which (245) An Ordinance concerning the banks of the State passed the third reading on yesterday, and it was agreed to.

He then proposed to amend the same as follows :

“Strike out the words ‘and the said banks may,’ and insert the words ‘so far as to allow said banks to.’”

The amendment was adopted, and as thus amended, the ordinance again passed the third reading and was ordered to be enrolled.

Then on motion of Mr. Ferebee, the Convention took a recess until 5 o'clock.

---

#### AFTERNOON SESSION, JUNE 23<sup>RD</sup>, 1866.

The Convention re-assembled at 5 o'clock.

The Committee on enrolments reported, as correctly enrolled, the following, which were ratified in open Convention :

A Resolution in favor of Theo. N. Ramsay.

An Ordinance concerning the banks of the State, and

A Resolution to pay the Commissioners appointed to report to the General Assembly on the subject of Freedmen.

Mr. Starbuck asked that the present committee on enrolments be discharged, and it was agreed to.

The President then appointed Messrs. Moore, of Wake, Phillips and Eaton, as committee of enrolments for the remainder of the session.



Messrs. Logan and Wilson asked and obtained leave to record their votes in the affirmative on Mr. Forkner's amendment to the Constitution providing for homesteads, and Mr. Logan in the negative on Mr. Manly's amendment in regard to official oaths.

Mr. Boyden moved to take up (229) An Ordinance to amend the 25th section of chapter 66, of the Revised Code, and the motion prevailed.

The ordinance was read the second time and passed the second reading.

Then, on his motion, the rules were suspended, the ordinance read the third time, and informally passed over.

Mr. Moore, of Wake, introduced (247) A Resolution in favor of R. S. Tucker, which was read and adopted, and ordered to be enrolled.

Mr. Sloan, for the select committee, appointed to report in regard to the safe keeping and publication of the ordinances of the Convention, reported. (248) An Ordinance in relation to the deposit and publication of the ordinances and resolutions of the Convention, which passed the several readings under a suspension of the rules after some amendments, and was ordered to be enrolled.

Mr. Logan moved to take from the table (243) An Ordinance to empower the Justices of the several counties to borrow money in certain cases, and for other purposes, and the motion did not prevail.

Mr. Moore, of Wake, moved to resume the consideration of (136) the Constitution and amendments thereto, and the motion prevailed.

The question was on the final passage,

On which Mr. Eaton asked the yeas and nays, and the same being ordered, the Constitution, as amended, passed the third reading—yeas 63, nays 30.

Those who voted in the affirmative are :

Messrs. Adams, Alexander, Baines, Baker, Berry, Boyden, Bradley, Bryan, Burgin, Buxton, Bynum, Caldwell of Burke, Caldwell of Guilford, Dick, Dickey, Forkner, Furches, Gahagan, Garland, Garrett, Godwin, Harris of Guilford,



Harris of Rutherford, Harrison, Haynes, Henry, Hodge, Jackson, Johnston, Jones of Henderson, Jones of Rowan, Joyce, King, Logan, Love of Jackson, McCauley, McCorkle, McKay of Harnett, McDonald of Chatham, McDonald of Moore, McIvor, McLaughlin, McRae, Moore of Wake, Murphy, Norfleet, Patterson, Phillips, Polk, Rush, Settle, Sloan, Smith of Anson, Smith of Wilkes, Starbuck, Stephenson, Stewart, Swan, Walkup, Ward, Williams, Wilson, Wright—68.

Those who voted in the negative are:

Messrs. Allen, Bagley, Barrow, Bingham, Brickell, Conigland, Eaton, Faircloth, Ferebee, Gilliam, Grissom, Howard, Jarvis, Joyner, Lyon, Manly, McKoy of Sampson, McGehee, N. A. McLean, Nat. McLean, Odom, Pearsall, Perkins, Person, Richardson, Smith of Johnston, Spencer of Hyde, Warren, Winburne, Winston—30.

Mr. Moore, of Wake, introduced (249) An Ordinance submitting to the qualified voters of the State the ratification or rejection of the Constitution adopted by the Convention, which was read and passed the first reading.

The rules were, on motion, suspended, the ordinance read the second time and amended by filling the blanks, then passed the second and third readings, and was ordered to be enrolled.

The President announced a communication from the Public Treasurer in regard to the payment of interest on certain bonds of the State, which was read—whereupon

Mr. Wright introduced (250) A Resolution in reference to the payment of interest on the public debt of the State.

Mr. Caldwell, of Guilford, moved to lay the resolution on the table, and it was not agreed to.

Mr. Howard offered the following amendment:

“That the Public Treasurer make no discrimination between different classes of said debt, in the payment out of the Treasury of interest on the same, and shall make no payment of interest until provision is made by the General Assembly for the same.”

Mr. Adams moved to take up for consideration (243) the Ordinance empowering Justices to borrow money, &c., and it



was agreed to, the question being its passage on the second reading.

Mr. Boyden moved to amend so as to restrict the counties borrowing money under the ordinance to six per cent interest, and to exchange their bonds at par, and the amendment was adopted.

Mr. Odom offered the following as an additional section:

"That nothing in this ordinance shall be so construed as to authorize the Justices of the Peace of any county to borrow money, or lay a tax to raise money for the purpose of paying any debt in any county in aid of the late rebellion, either directly or indirectly."

To this amendment Mr. Howard offered the following:

"*Provided, further,* That this section shall not be construed to restrain the counties from paying obligations incurred to support soldiers families."

Before any action was taken on these amendments,

Mr. Phillips moved to suspend the rules in order to allow him to make a motion which he intimated, and the motion prevailed.

He then moved that the hour for adjournment, *sine die*, on Monday, be changed from 8 o'clock, a. m., to 1 o'clock, p. m., and it was agreed to by the Convention.

Mr. Forkner moved to adjourn until to-morrow morning at 9 o'clock.

Mr. Phillips moved to amend the motion by substituting 8½ o'clock this evening, and it was not agreed to.

The question was then put on the motion of Mr. Forkner and decided in the negative.

The consideration of (243) was resumed.

Mr. Howard withdrew his amendment to the amendment of Mr. Odom.

Mr. Odom withdrew his amendment.

Mr. Grissom renewed the amendment of Mr. Odom.

Mr. Person renewed the amendment of Mr. Howard.

Mr. Harris, of Rutherford, then moved to lay the whole subject on the table, and the motion prevailed.



Mr. Richardson moved to take up and consider (218) An Ordinance in regard to salaries and fees, and the motion did not prevail.

Mr. Ferebee introduced the following resolution, which was unanimously adopted :

*“Resolved*, That the thanks of the Convention are due and are hereby tendered to the Hon. E. G. Reade, the President thereof, for the able, dignified and impartial manner with which he has presided over its deliberations.”

Mr. Caldwell, of Burke, moved to take up and consider (237) An Ordinance to authorize the President of the Western North-Carolina Railroad to borrow money, and it was not agreed to.

Mr. McKay, of Harnett, introduced the following :

*“Resolved*, That the Secretary of State furnish one copy of the journals of both sessions of this Convention to each member of this Convention, and the officers thereof, and one copy of the ordinances of this session to each member and the officers thereof; also, ten copies of both journals and ordinances to be deposited in the office of the Secretary of State.”

And it was adopted and ordered to be enrolled.

Mr. Wright, by consent, introduced (251) An Ordinance in reference to the payment of a portion of the public taxes into the Treasury of the State; which passed the several readings, under a suspension of the rules, and was ordered to be enrolled.

Mr. Winburne moved to take up (186) An Ordinance for the relief of Thomas D. Fleury, and the motion prevailed..

The ordinance was then read the second and also the third time, under a suspension of the rules, passed the second and third readings, and was ordered to be enrolled.

Mr. Furches asked to suspend the rule and allow him to present an ordinance in regard to the town of Mocksville, and the Convention refused.

Mr. Grissom moved to take up (237) An Ordinance to authorize the President of the Western North-Carolina Rail-



road Company to borrow money, and the motion did not prevail.

Mr. Ferebee moved to adjourn to 9 o'clock Monday morning.

Mr. Love, of Jackson, moved to amend by substituting "7 for 9," and it was agreed to.

The President having resumed the Chair, arose and said :

*Gentlemen of the Convention:* I thank you for the compliment contained in your resolution, but especially for the courtesy which has made my task so easy, and my intercourse with you so agreeable.

We shall not meet again—gray hairs tell that—but the incidents of our pleasant intercourse and arduous duties will be cherished in memory as long as we live.

Let us return to our constituents and commend to them the results of our labors, not as that which is perfect, but as that which is the best that we could do.

May a kind Providence spare you for much usefulness, and bless our country with great prosperity until she shall seem to be, what in truth she is,

"The queen of the world and the child of the skies."

The question was then put on the motion of Mr. Ferebee, as amended, and carried in the affirmative, and

The President declared the Convention adjourned to 7 o'clock Monday morning.

---

### MONDAY, JUNE 25TH, 1866.

The Convention met pursuant to adjournment.

The reading of the journal of Saturday was dispensed with.

Mr. McRae offered a resolution that the ordinances ordered to be published in the *Standard* and *Sentinel* be published also in the *Progress*.



He moved to suspend the rules and put the resolution on its passage; and the motion did not prevail.

Mr. Patterson introduced the following, which was adopted under a suspension of the rules:

*Resolved*, That it shall be the duty of the enrolling clerk to prepare a duly authenticated copy of the ordinance submitting to the qualified voters of the State the ratification or rejection of the Constitution adopted by the Convention, to be transmitted by the President of this Convention, by mail, to his excellency, Andrew Johnston, President of the United States."

*Resolved*, That the Enrolling Clerk, while employed in such service, be allowed, in the discretion of the President of the Convention, compensation not exceeding his present *per diem*.

The resolution was ordered to be enrolled.

Mr. Harris, of Rutherford, moved to take from the table (243) An Ordinance to authorize the Justices of the several counties to borrow money, and put the same on its second and third readings; and the motion prevailed.

The pending question was on the amendment of Mr. Person to the amendment of Mr. Grissom, and the vote being taken thereon, the amendment was rejected.

The question was then put on the amendment of Mr. Grissom, and it was not adopted.

Mr. Harris, of Rutherford, then moved to amend the ordinance so that its provisions should only apply to the counties of Polk, Rutherford, Cleaveland, Davidson, Henderson, Wilkes, Cherokee, Clay, New Hanover, and Martin, and the amendment was adopted.

Mr. Dick moved to strike out of section — "6 per cent," and insert "8 per cent," and the amendment was adopted, and as thus amended the ordinance passed the second and third readings, and was ordered to be enrolled.

Mr. Caldwell, of Burke, moved to take up and put on its second and third readings (237) An Ordinance to authorize the President of the Western North-Carolina Railroad Company to borrow money.



On this motion Mr. Eaton asked the yeas and nays, which were ordered, and resulted—yeas 22, nays 24, not a quorum voting; so the motion was lost.

Those who voted in the affirmative are :

Messrs. Bryan, Burgin, Bynum, Caldwell of Burke, Dick, Dickey, Gahagan, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jones of Henderson, Joyce, Love of Jackson, McCorkle, McIvor, McRae, Patterson, Smith of Wilkes, Stewart, Walkup—22.

Those who voted in the negative are :

Messrs. Adams, Alexander, Bagley, Berry, Boyden, Buxton, Caldwell of Guilford, Eaton, Faircloth, Ferebee, Gilliam, Jones of Rowan, McKay of Harnett, McGehee, Moore of Wake, Norfleet, Perkins, Phillips, Polk, Rush, Smith of Anson, Swan, Warren, Williams—24.

Mr. McRae moved to take up (218) An Ordinance in relation to salaries and fees, and the motion did not prevail.

Mr. Furches asked to suspend the rules, to allow him to introduce an ordinance intimated by him, and it was agreed to.

He then introduced (252) An Ordinance with regard to the incorporation of the town of Mocksville, which passed the several readings, under a suspension of the rules, and was ordered to be enrolled.

Mr. Bynum, by consent, introduced (253) A Resolution concerning Confederate securities and State securities, issued during the war, now in the Treasury, which was adopted, under a suspension of the rules, and was ordered to be enrolled.

On motion of Mr. Moore, of Wake, the word "section" was substituted for the word "clause," in section 11, article 4, of the Constitution.

The Committee on Enrolments reported the following ordinances and resolutions as correctly enrolled, and the same were duly ratified in open Convention :

An Ordinance with regard to the incorporation of the town of Mocksville, in Davie county.



An Ordinance to empower the Justices of the several counties to borrow money in certain cases, and for other purposes.

Resolution to send copies of certain ordinances to the President of the United States.

An Ordinance in relation to the deposit and publication of the ordinances and resolutions of the Convention.

An Ordinance in reference to the payment of a portion of the public taxes into the Treasury of the State.

Resolution concerning Confederate securities and State securities, issued during the war, now in the Treasury.

Resolution to supply delegates of the Convention with copies of the ordinances and journals.

Resolution in relation to the payment of interest on the public debt of the State.

A resolution in favor of R. S. Tucker.

An Ordinance for the relief of Thomas D. Fluery.

The Constitution of North-Carolina, and

An Ordinance submitting to the qualified voters of the State the ratification or rejection of the Constitution adopted by the Convention.

Then, at one o'clock, p. m., pursuant to resolution,

The President declared the Convention adjourned "without day."

JAMES H. MOORE,  
*Secretary to Convention.*



# INDEX.

---

	PAGE.
Constitution of North-Carolina, - - - - -	8
SESSION 1866.	
An ordinance submitting to the qualified voters of the State the ratification or rejection of the Constitution adopted by the Convention, - - - - -	21
An ordinance to change the jurisdiction of the courts and the rules of pleading therein, - - - - -	22
An ordinance in relation to the act of the General Assembly, entitled "Revenue," - - - - -	29
An ordinance concerning the crime of assault, with intent to commit rape, - - - - -	30
An ordinance to authorize sundry sheriffs to collect arrearages of taxes, - - - - -	31
An ordinance extending the time for the settlement of the public taxes by the sheriffs and tax collectors of this State, - - -	32
An ordinance in relation to taxation by the county courts, - -	32
An ordinance in reference to the payment of a portion of the public taxes into the Treasury of the State, - - - - -	33
An ordinance to change the time of elections in North-Carolina, and for other purposes, - - - - -	34
An ordinance to pay the provisional Judges of Courts of Oyer and Terminer for services, under "An Ordinance to protect the owners of property and for other purposes," - - - - -	35
An ordinance to change the time of holding the Court of Pleas and Quarter Sessions of Alexander county, - - - - -	36
An ordinance to alter the time of holding the Courts of Pleas and Quarter Sessions of Stanly county, - - - - -	37
An ordinance to empower the Justices of the several counties to borrow money in certain cases, and for other purposes, - -	38
An ordinance to amend the charter of the Union Mining Company in the county of Rowan, and the Rudicil Gold Mining Company in the county of Mecklenburg, passed at the late session of the General Assembly, - - - - -	41
An ordinance to amend the charter of the Governor's Creek Steam Transportation and Mining Company, - - - - -	41
An ordinance to incorporate the Oceanic Hook and Ladder Company, of the town of Beaufort, - - - - -	42



	PAGE.
Session, 1896.	
An ordinance to incorporate the Wilmington Railway Bridge Company, - - - - -	49
An ordinance with regard to the incorporation of the town of Mocksville, in Davie county, - - - - -	45
An ordinance to incorporate the North-Carolina Petroleum and Mining Company, - - - - -	46
An ordinance for exchanging the stocks of the State for bonds issued before the year one thousand eight hundred and sixty-one, - - - - -	47
An ordinance concerning the banks of the State, - - - - -	49
An ordinance concerning widows who have qualified as executrix to the last will and testament of their deceased husbands, - - - - -	50
An ordinance repealing the provisions of section nine of an act of the General Assembly, entitled "an act concerning negroes and persons of color or of mixed blood," and for other purposes, - - - - -	51
An ordinance to prohibit the sale of spirituous liquors within one and a half miles of the company shops, - - - - -	52
An ordinance to repeal the twentieth section of the fifty-third chapter of the Revised Code, entitled Governor and Council, - - - - -	52
An ordinance to grant to the citizens of the county of Polk the power of voting with the district or county to which they are attached, in the election of members of the General Assembly, - - - - -	52
An ordinance to amend an act of the General Assembly, passed at its session of 1842 and 1843, entitled an act to authorize the formation of a Fire Engine Company in the town of Salem, North-Carolina, - - - - -	53
An ordinance in favor of Thomas D. Fleury, - - - - -	53
An ordinance to divorce Jane F. Havens and Thomas J. Havens, - - - - -	54
An ordinance concerning the qualification of voters for municipal officers in the cities and incorporated towns of North-Carolina, - - - - -	55
An ordinance to provide for executing decrees of the Supreme Court made at Morganton, - - - - -	55
An ordinance in relation to the deposit and publication of the ordinances and resolutions of the Convention, - - - - -	56

## RESOLUTIONS.

Resolutions to continue commissioners appointed by the Governor under an act of the last General Assembly to examine into the affairs of the Albemarle and Chesapeake Canal Company, - - - - -	1
Resolution to send copies of certain ordinances to the President of the United States, - - - - -	1

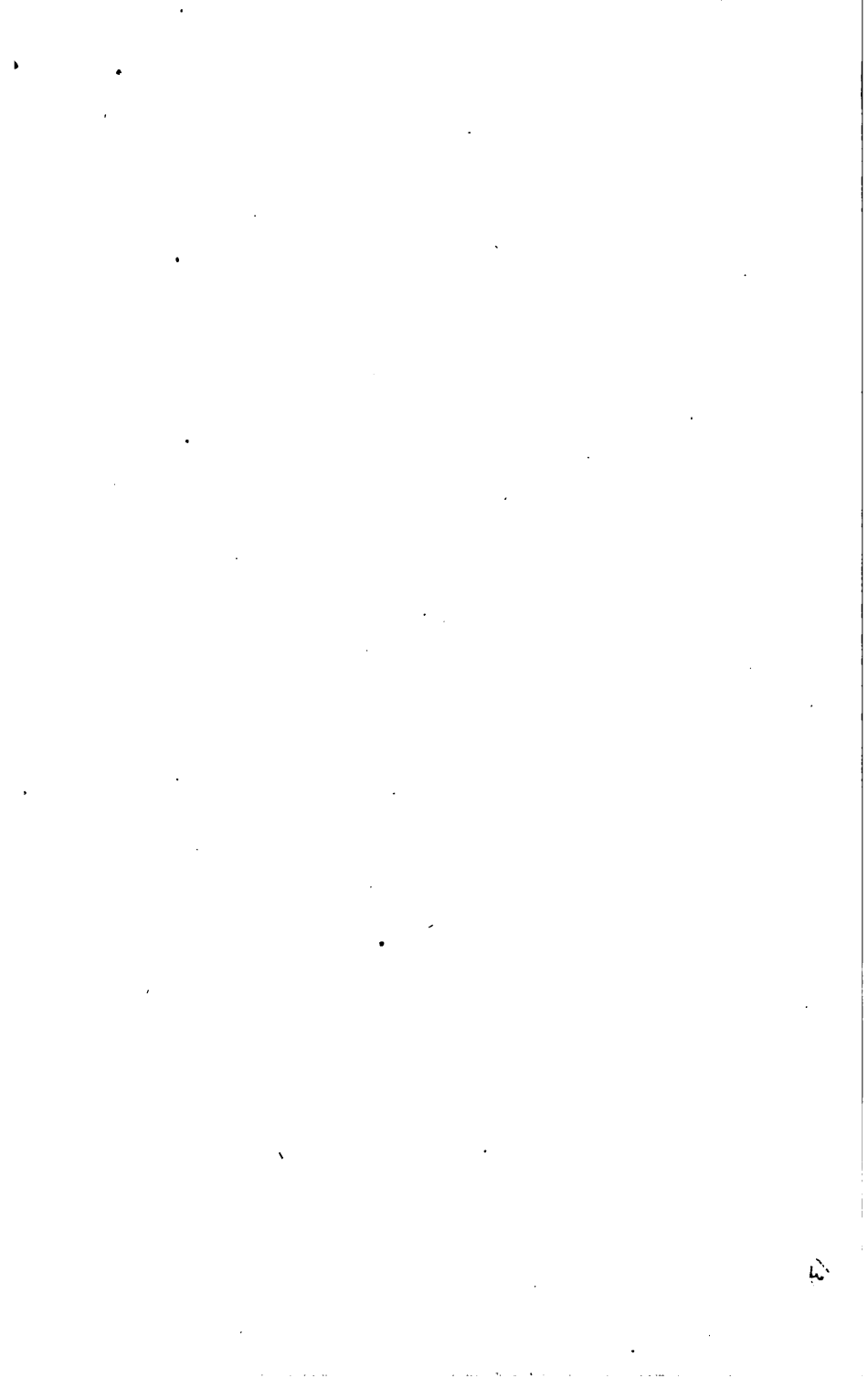


# INDEX.

III

	PAGE.	
Resolution concerning Confederate securities and State securities issued during the war now in the Treasury, - - - -	2	Session 1866.
Resolution in favor of Theo. N. Ramsay, - - - -	2	
Resolution to have an abstract of the Census of 1860 printed for the use of the Convention, - - - -	2	
A Resolution to supply delegates of the Convention with copies of the Ordinances and Journals, - - - -	3	
A Resolution to print additional copies of an abstract of the Census of 1860, - - - -	3	
Resolution in relation to privies and water closets, - - - -	3	
Resolution on lighting the capitol with gas, - - - -	4	
Resolution directing the Secretary of State to have the necessary binding for this Convention done at the Deaf and Dumb and Blind Institution, - - - -	4	
A Resolution in reference to payment of interest on the public debt of the State, - - - -	4	
A Resolution to print an ordinance, - - - -	5	
Resolution allowing compensation to the Principal Secretary of the Convention, - - - -	5	
Resolution to employ a temporary door-keeper, - - - -	5	
A Resolution in favor of R. S. Tucker, - - - -	5	
Resolution to pay the Commissioners appointed to report to the General Assembly on the subject of Freedmen, - - - -	6	
Resolution in regard to printing, - - - -	6	
Resolution for distribution of laws of the General Assembly, - - - -	6	





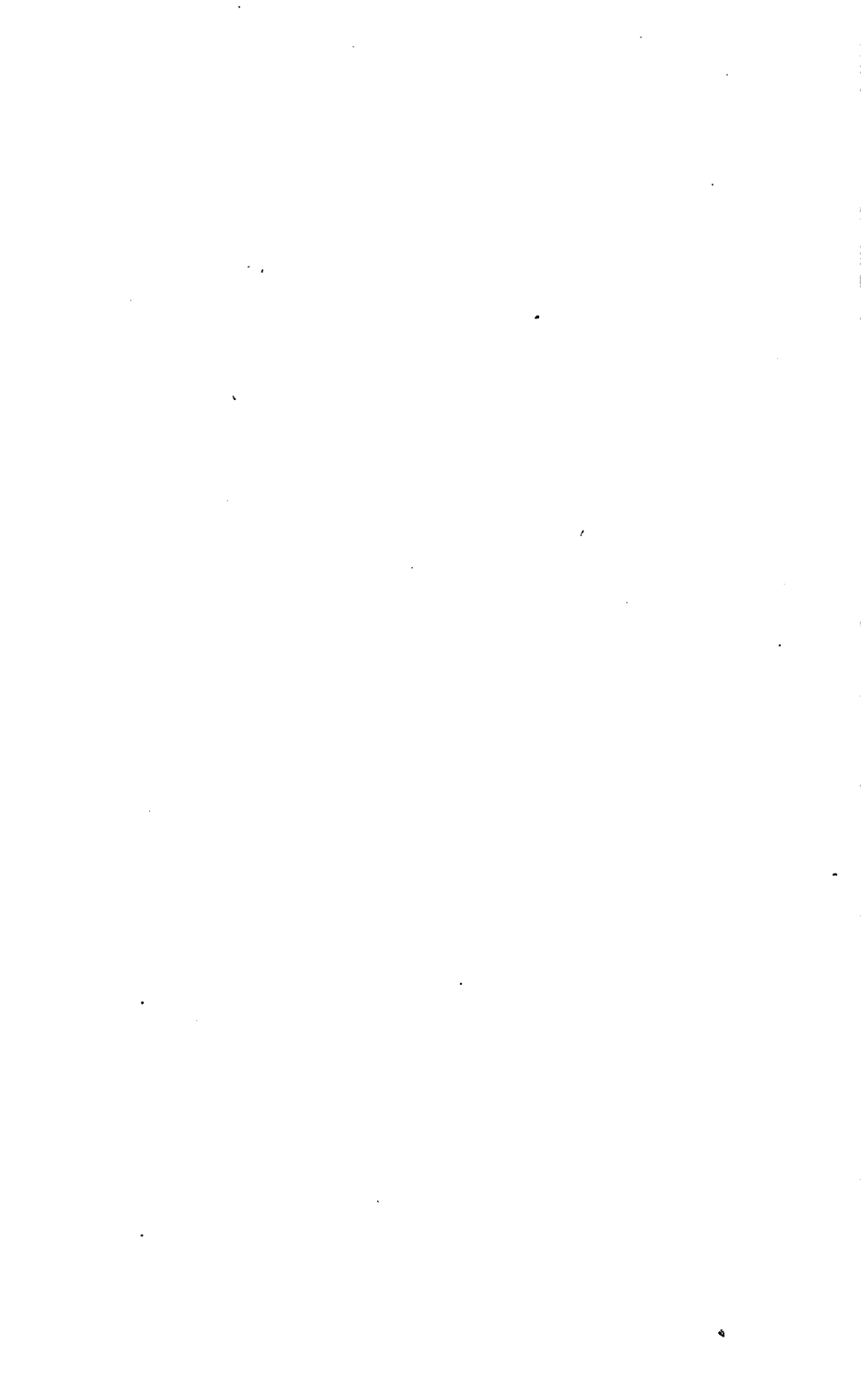














**RETURN TO → CIRCULATION DEPARTMENT**  
**202 Main Library**

LOAN PERIOD 1	2	3
<b>HOME USE</b>		
4	5	6

**ALL BOOKS MAY BE RECALLED AFTER 7 DAYS**

1-month loans may be renewed by calling 642-3405

1-year loans may be recharged by bringing the books to the Circulation Desk  
Renewals and recharges may be made 4 days prior to due date

**DUE AS STAMPED BELOW**

INTERLIBRARY LOAN

FEB 14 1985

UNIV. OF CALIF., BERK

UNIVERSITY OF CALIFORNIA, BERKELEY  
FORM NO. DD6, 60m, 1/83      BERKELEY, CA 94720



YC 36213

